

**Crafting the Machinery of Municipal Rule:
The Board of Police in Nineteenth Century Brockville, Upper Canada.**

By

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Abstract

This thesis traces the coordination, configuration and operation of municipal government in Brockville, Upper Canada, between 1830 and 1836. By focusing on *how* governing occurred and *what* was involved in governmental projects, rather than *who* governed, it presents new insights into the processes that constituted a form of rule in a nineteenth century town. Contrary to presenting a narrative of rationalization, it argues that manner, etiquette and prestige were essential to the machinery of local government, as targets of regulation and as characteristics of the mode of operation. The problem of how the concept of democracy, and the idea of local government, are translated into political practices is explored through an investigation of the agents and arrangements that were fashioned to form the institution of municipal government. Scholarly attention has been directed to the modern incorporated municipality, which owes much of its framework to the *Municipal Corporations Act* of 1849. Instead, this thesis focuses on its Upper Canadian predecessor, the board of police. Boards of police significantly changed the ways in which the administration and regulation of local affairs occurred. This thesis argues that local government was only possible through the coordination of a political space, populated by agents who had to govern themselves and govern others. It explores how governing through boards of police required crafting the machinery of municipal rule.

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1 Introduction

This thesis traces the coordination, configuration and operation of municipal government in Brockville, Upper Canada, between 1830 and 1836. These two objects of inquiry—municipal government, and Brockville—came together through a protracted reconnaissance mission in the archives. I wanted to understand the genesis of preventive practices from a historical perspective, focusing specifically on the problem of fire within urban locales. That journey took me from ancient Rome, during the reign of emperor Nero, to tenth century London where ‘bellmen’ rung a ‘curfew bell’, warning townsfolk to ‘take care’ of their candles during the night. It became apparent that an important aspect of the regulation of fire involved the development of quasi-professional and professional ‘fire engineers’ who operated as agents of incorporated municipalities, a process that involved something resembling what Cynthia Cockburn (1977) has termed instances of ‘the local state’.

Cockburn’s ‘local state’ concept is useful as a starting point inasmuch as it attempts to capture local specificity while paying attention to broader, state level, relations of power. Such a vision would view instances of preventive practices as occurring alongside and within sets of broader concerns, capital accumulation or

education, for example. It would be a question of ‘(re)assembling’¹ different sets of agents and arrangements across various scales². The interconnections between ‘the local’ and ‘the state’ appear well fitted to document socio-legal and socio-political aspects of the agent-institution matrix, out of which regimes of prevention emerge. However, as Kari Dehli and others have demonstrated, there are shortcomings from theorizing ‘the local state’ “as a thing or set of institutions abstracted from social relations and historical processes, or to see the local ‘in the last instance’ as a functional effect of economic and political relations originating elsewhere” (1990: 110). Instead, Dehli argues, by focusing on local state formation, including the struggles and the processes of ‘coming into being’ of local instances of rule, provides a plane for understanding “how social relations (including, but not only, class relations) were constituted and transformed through the

¹ Bruno Latour (2005) presents us with a ‘sociology of associations’ that is in his view ontologically and epistemologically different than a ‘sociology of the social’ (9). I draw inspiration from Latour (and Actor-Network analysis in general) in focusing on associations, the patterns and processes linked to forming relationships between entities at historically specific moments that enable something called ‘the social’ to be imagined and imaginable, rather than an ‘entity’ called ‘the social’ that is always already constituted. Focusing on the ‘coming together’ of various municipal elements, while at the same time drawing attention to the effects linked to associations, seems like an appropriate approach for my purposes. My reading of Latour’s suggestion positions it not that far from Foucault’s insistence on the ‘micro-physics’ or points of contact of power relations. While I prefer Foucault’s stylization, both approaches seem to focus on strategies and tactics linked to associations, albeit at different levels of aggregation.

²Valverde presents a critique of the naturalization of municipal power within scalar arguments, specifically chastising William Novak’s *The People’s Welfare* (1996). Valverde argues that Novak’s “careful reconstruction of the ‘well-regulated community’ legal tradition in American law, in his influential work on the police power, remains almost wholly confined to the municipal level. If Novak had included in his account federal national-security or narcotics legislation, for example, which are also rooted, at one remove, in the police power of the state, he would not have been able to paint such a rosy picture of republican communitarianism (2011: 287). For another scalar critique, see Valverde, 2009.

organization and dis-organization of political rule and institutional practice” in towns/cities during the nineteenth century (1990:110). This preoccupation has not been the defining characteristic of discussions of local government in Upper Canada, however.

Discussions of local government in Upper Canada generally begin with the Durham report and Charles Poulett Thomson’s (Lord Sydenham) disavowal of the exclusion of a system of local government in the Act of Union in 1840 (Crawford, 1954; Dagenais, 2009; Shortt, 1907). While the current incorporated municipality owes much of its framework to the *Municipal Corporations Act* of 1849, a hybrid or experimental form of local government emerged during the 1830’s that would provide the skeleton for how municipal governments in Canada would come to function (Isin, 1992; Matthews, 1985, 1987). Eight towns³ in Upper Canada were incorporated as boards of police and granted the permission to elect presidents and members to oversee local affairs, significantly shifting how local administration functioned. Compared to the attention garnered from analysts of municipal government post-1849, incorporated boards of police remain relatively unfamiliar. This lack of attention has generally meant that accounts of local government, including sketches of boards of police, during the 1830’s revolve around notions of representative democracy or ‘responsible government’. Although a worthy object of study, normative conceptions and projects of ‘how democracy ought to be’ have

³ Towns incorporated as ‘boards of police’ were: Brockville, 1832; Prescott, 1834; Cornwall, 1834; Cobourg, 1837; Picton, 1837; London, 1840; Niagara, 1845; St. Catharines, 1845. Towns incorporated as ‘town councils’ were: Hamilton, 1833; Kingston, 1838; Ottawa, 1847; Dundas, 1847; Brantford, 1847. Toronto was incorporated as a ‘city council’ in 1834. All other Acts of incorporation fell under the 1849 *Municipal Corporations Act*.

a tendency to be trans-historically brought into the discussion of how local government was. The effect of this is a tendency to miss points of contact between regimes of rule and the subjects/objects and goals of regulatory projects; they miss Dehli's point that focusing on the process of 'local state' formation provides a grid of intelligibility for understanding how relations, associations between people, were affected by the processes of incorporation and the coordination of incorporated towns/cities. As such, my initial desire to explore preventive practices has taken a secondary importance to the project of seeking to trace the effects of incorporating Brockville as a board of police. Probing how incorporation (re)structured forms of expression, both political and cultural, seems to me to be a precursor to an exploration that then asks how forms of expression were safeguarded (as well as *which* forms took precedence over others when defining regimes of prevention). In other words, I think, we need first to understand how incorporated towns came to be, what they then did in practical terms, what incorporated towns accomplished and failed to do, before seeking out what was to be safeguarded and prevented from occurring. This thesis is thus a fragment within a much larger analysis that attempts to retrace municipal incorporation in Upper Canada. From my vantage point, focusing on Upper Canada's first incorporated town seems like an appropriate starting place.

After two years of public meetings and repeated petitions to the provincial parliament, in 1832 Brockville became the site of Upper Canada's first incorporated town. In this incorporated town, Brockvillians elected members to a board of police. The newly created board constituted the main administrative body for a majority of local

affairs, replacing appointed magistrates functioning within the Court of Quarter Sessions circuits. How did the board govern? What types of knowledge were involved in the coordination and incorporation of the board? What were the targets of regulation? And, how were expressions of manners, prestige, etiquette and ceremony affected by the incorporation of the town as a board of police? Informed by what Michel Foucault has called ‘micro-physics’, this thesis traces points of contact that the board had between initial proposals to create a police and to incorporate the town in 1830, to 1836 when the board became more regularized. With a focus on points of contact between them, the thesis seeks to bring into focus the physical, material kinds of objects on the one hand, and the overlapping, and sometimes contradictory, sets of knowledges on the other which are embedded in governmental practices that rely on material assemblages. I approach the board of police as a regulatory project, preoccupied with governing. I conceive of the board’s project along Foucauldian terms, involving the “shaping, steering, guiding and organizing of human beings, individually or *en masse*, in relation to specific ends and through the use of more or less calculated procedures” (Rose, 1994: 363). As such, the process of municipalization, I argue, involved more than democratization and the practice of voting and electing representatives. Coordinating the board of police meant coordinating the activities and behaviours of Brockvillians: incorporation was the condition of possibility for an attempt to reshape a political space and the activities and expressions found therein. As Malpas and Wickham caution us however, “governance is necessarily incomplete” (1995: 40). Approaching the study of urban development as composed of various regulatory strategies, which have differing levels of success, allows

for a methodological approach that denies any finished project. As cities and urban centers constantly evolve, so too do regulatory schemes and by extension the opportunity-space for expressions and standards of conduct. From a historical perspective, unfinished governmental projects leave behind a trail of fragments, parts of the regulatory machinery that did not quite fit or fell off. The goal of this thesis, then, is to follow a trail of fragments, tracing a singular instance of an attempt to assemble a program of government that was, fundamentally, an exercise in crafting the machinery of municipal rule.

Chapters are organized principally thematically. The remainder of this introductory chapter positions the current study within a rich history of narratives that seek to understand the evolution of municipal government. While three broad strands, or models, of historiographical explanations provide insights into the workings of local government, there remains an insufficiently well-developed theoretical account to detail the ways in which boards of police sought to govern people and administer things, an actor-institution dynamic that has principally been cast along a binary⁴. I argue that an attempt to chronicle municipal government requires attention to three factors, which are the main focus of the chapters in this thesis: chapter two explores the formation and operation of a municipal public sphere, enabled by the practice of petitioning and the

⁴ See Curtis' (2005) and Fecteau and Harvey's (2005) accessible account of the implications of this binary. I attempt to take-up Curtis' suggestions concerning the agency-institution binary in this thesis, focusing on a regulatory project that enforced, and was enforceable through, boundaries and limits. I also pay attention to the way in which the board of police attempted to develop regulatory projects that were context-independent, a characteristic of municipal modes of governing that exist today.

device of incorporation; chapter three traces the contours and practices of the board of police, including attempts to instil a form of rule predicated on the requirement to govern the self and govern others; chapter four connects the prestige value inherent in the act of incorporation to other municipal programs and projects. The focus of the exposition is to (re)combine the activities of agents within and outside an instance of municipal government, making visible the multiple ways that rule is imagined and rendered imaginable. I seek to promote a mode of analysis that resists the urge to reify ‘the’ institution of local government as already always existing, a mode that truncates the collective activities of agents that contributed to the processes of ‘local state formation’. Instead, I advance a reading of the incorporation of Brockville and the coordination of the board of police as process, contingent and never quite finished, that resulted in a governmental institution that was more complex than simply an instance of domination or social control. Understanding the nuances of early-incorporated towns can help us better understand the actor-institution dynamic, both theoretically and empirically. Before continuing, however, I would like to position the current study within the literature, outline some overarching guiding principles of the work, and detail the methods and archival data being used throughout.

1.1 Undermining the ‘Whig’ Myth of ‘Progress’

Il s’agit de nous rapprocher au mieux de ce que fut l’expérience des acteurs et la présence des institutions dans le passé, choses elles-mêmes précaires, négociées, complexes, significatives pour des gens et une époque, porteuses d’une inscription dans la durée.

Nootens, 2005: 190.

Three strands of historiographical accounts have emerged in an attempt to understand the development, and operation, of local government in Upper Canada. Each strand presents a perspective on the actors, the institutions, the stakes and the effects, of nineteenth century forms of municipal rule. The traditional, or ‘Whig’, account paints a portrait of a struggle between two competing forces, and has provided analysts with an enduring target within critical circles. The traditional story details the will of townsfolk to organize and structure their own affairs along democratic lines facing off against colonial administrators, and typically a small group of politically influential Upper Canadians, stylized unsympathetically as the ‘Family Compact’. Attempts to gain access to political circles and to organize local forms of administration were consistently blocked by members of the compact, who wished to retain political power and influence. In this version, colonial officials kept close tabs on the ways in which Upper Canadians participated in politics. With the help of reform-minded individuals however, the ‘common people’ were able to orchestrate a social movement that prioritized self-government. Faced with a large reform support base and mounting unpopularity of its administrative priorities, the Colonial Office had no other choice than to heed Upper Canadians’ wishes. Accounts never quite depict things in such a caricatured way, of course. The struggle between good (democracy) and evil (oligarchy or other) is a recurrent trope, however.

The traditional version of the development of localized modes of government focused almost exclusively on the politico-constitutional realm (Matthews, 1985: 1). Adam Shortt’s (1907) sweeping exposition of the birth of municipal government in

Ontario provided not only the outline of an enduring story, but the documentary sources relied upon by an entire generation of scholars probing the problem of local administration in Upper Canada. Shortt argued that there was continuity between the American and Upper Canadian democratic experience in the eighteenth century. American settlers, emigrating to parts of Upper Canada, had experienced the New England-style town meeting and desired this device in their new frontier, argued Shortt. British colonial officials, cognizant of the need to develop channels of decentralized rule and ‘government at a distance’ (Bentham, 1830; Isin, 1992; Rose, 1999: 49), were reluctant, however. Fearing Wilkesian turbulence in Upper Canada, they would repeatedly deny town meetings. The enduring struggle for democracy and ‘responsible government’ was thus transmitted to Upper Canada. The ‘responsible government’ that Shortt alluded to was of the ‘less authoritarian’ type, linked to concepts such as ‘self-government’ and sometimes ‘local-government’ (Patterson, 1989: 488). In neither case were they pleas for the type of electoral accountability that has become common today at all levels of government. The 1793 *Parish and Township Act* granted some freedom for local administration through the election of several administrative posts. These elected persons, however, were ultimately under the supervision and control of appointed Court of Quarter Session Magistrates. The leap, according to the narrative, came following the passing of *The Municipal Corporations Act* in 1849, when incorporated cities would soon populate the landscape. This latter development was presented as evidence of a victory for progress in the face of lethargic oligarchy, the outcome of a protracted quest for democracy (Crawford, 1954: 10). As such, Terry T. Ferris argues that, “the pressure for

responsible local government in Upper Canada was closely associated with the larger struggle for responsible provincial government” (1969: 400). Out of this was born local self-government.

The narrative details the exploits of Loyalists, crossing over from an embattled American frontier with ideas of local-government and the invocative practice of town meetings (Landon, 1967). In the traditional account, Loyalists represented more than the simple vehicle that transported an idea and vision of democratic rule; they represented a mass of agitators capable of collective political participation. Thus, when Loyalists would gather, the “quarrels that were to arise were always over the conventions or the degree of self-government, never over whether there should be self-government in a community of any size” (Morton, 1972: 35). The project of self-government was presented as a unifying struggle, the multitude of meetings, petitions and public political participation seen as a necessary, while ephemeral, element in the obvious path towards deliberative democracy. Within this model, boards of police are the result of the struggle of a few against the many.

A second strand of historiographical model, focused on discovering and outlining the activities of a certain class of actors, complicates the naïveté of traditional narratives of social and political change.

At the heart of these class accounts is a quasi-Marxist preoccupation with revealing who participated in the formation of models of local self-government. The revelation that some of the ‘compact’ members favoured local self-government disrupted

the traditional narrative of clearly defined opponents. Economic as well as political elites were now seen as essential elements in the formation of administrative bodies. Access to capital, and according to Michael Doucet and John C. Weaver in the case of Hamilton, access to credit, created the necessary conditions for “merchants and landowners” to combine “into a single class that commanded civic power” (1984: 81). This elite class “jointly promoted the town, assembled purposefully in fraternal associations, intermarried, endorsed and circulated each other’s promisory notes, and generally guided the town’s economic and physical development” (81). Politically and economically influential Upper Canadians were recast in a new role alongside Loyalists and others who sought local control.

Following the theoretical work of Floyd Hunter (1953) and Robert A. Dahl (1961), the question of ‘who governs’ became an important element in attempting to understand the relationship between local administrative units, their implications for the shaping of the urban territory and the role the elite class played in framing and performing politics (Clark, 1967). While not all commentators embrace Dahl’s pluralistic conception of urban power, an emphasis on the relationship between economic and political interests in the making of an elite class has been repeatedly made. James K. Johnson (1988) for example, traced the way in which patronage and escalating political appointments crystalized a relatively homogeneous faction into an elite ruling class. Toryism and the ‘Family Compact’ have been the focus of much analysis of elites, projects that explore the contours of a group of Upper Canadians who have been singled out for their prominence in politics and administration at least from the Mackenzie era

(Armstrong, 1962; Earl, 1967; Gundy, 1974; Saunders, 1957). While not all commentators are in agreement over the composition of ‘the compact’, there is an implicit acceptance by some that a small group of elites wielded more power than others during Upper Canada’s transition towards decentralized forms of government. As Graeme Patterson has argued however, ‘the compact’ or any derivative label thereof, served as a symbol and signifier for a set of historically specific ideas concerning politics, social structure and change (1989: 488). One must be on guard not to commit an anachronism.

It is with such nuance that Sven Beckert (2007), in an edited collection entitled *Who Ran the Cities?*, makes the case for the term ‘bourgeoisie’ which, according to him, “refers to a particular kind of elite whose power in its most fundamental sense derived from the ownership of capital rather than birth-right, status, or kinship” (198). Bourgeoisie, rather than ‘elites’, ‘aristocracy’, ‘plutocracy’, ‘ruling class’ or ‘middle class’ is seen as capturing “more precisely the historical formation” (197) that Beckert is concerned with: New York in the second half of the nineteenth century. Theoretically, Beckert is sensitive to a relational account of class rather than that of a typology. As such, the bourgeois class is constituted only by the existence of other types of classes and the interactions and figurations that result from differentiated economic means. Meanwhile, power for Beckert is possessed and the task is to find *who* has it and then *how* it is deployed. Class can be relational, but power needs to remain typological, however. Individuals with large sums of capital, yielding economic power, populate political arenas and gain political power. Political power can then be deployed in tandem with

economic power in a regime of control. The only option for working classes when dissatisfied with bourgeois domination is to mobilise collectively. It is here that Beckert presents his most fruitful argument. While working classes could exert oppositional power through a collective identity, bourgeois individuals “were able to exert considerable political power without articulating collective identities” (212). That is what set the bourgeoisie apart from other classes.

With similar attention to historical specificities, Nancy Burns argues, “the players, prizes, rules, and obstacles in the formation of local governments begin to outline local politics”. Burns draws our attention to “those who have both *heightened interest* in gaining access to the powers of government and *abundant resources* to overcome the collective action problem as major players” (1994: 20). Burns mobilizes the useful concept of ‘entrepreneur’ to draw attention to individuals who play a determining role in the creation of local administrative units. While retaining a focus on who governs, her treatment of the entrepreneur remains rather superficial. It seems as if innovative capitalists functioned as entrepreneurs, spearheading development projects. What is theoretically interesting from Burns’ account is a tension between principally class-based politics on the one hand, and the practicality behind populating a municipality. Local government, in Burns’ account, had an element of practicality: it just made sense. Invoking the practical characteristic of government is at the heart of what I call the ‘rational’ thread of historiographical models, which is the third type of historical narrative to which I wish to draw attention.

‘Rationalization’, within these accounts, is held to characterize the entire development of municipal government, as well as the micro-projects, programmes and strategies of contemporary town administrators. Antiquated systems required rejuvenation, decentralized forms of self-government appeared as a reasonable replacement candidate. James H. Aitchison, one of the first to look at municipal government from this perspective, argued in his 1953 doctoral dissertation that by the 1800’s the Courts of Quarter Sessions, which were tasked with local administrative affairs, had become inefficient, ineffectual, expensive, and unresponsive. As such, Magistrates were not serving the needs of local inhabitants, and another system was required. According to the theory, a process of rationalization began to occur, seeking a more effectual mechanism to administer things and govern people. A longing for democracy was overtly present in Aitchison’s account, but the real *tour de force* found in his work was to argue that the democratic form of government advocated was solidly based on an enlightened, rational calculation. Locally elected Magistrates, administering local affairs, were a more cost beneficial model, more efficient means to govern and most of all, more readily accepted by inhabitants. Happy inhabitants also meant less chance of rebellion: it was a ‘win-win’. This was not a consensus model of politics, however. Aitchison is careful to document electoral sectionalism and to point out feuding factions. Nonetheless, a basic liberal premise that as long as it was called ‘democratic’ it was good, underscored Aitchison’s argument.

In one of the more comprehensive explorations focusing almost exclusively on boards of police, William Thomas Matthews (1985) argues traditional historiographical

accounts of the rise of local government reproduced a liberal, 'Whig', mythology. Examining six Upper Canadian towns during the nineteenth century (Brockville, Hamilton, Kingston, Ottawa, St. Catharines and Toronto), Matthews argues that the rise of local self-government was not the story of the ascendancy of townsmen, representing democracy, over the dominating Tories and repressive Colonial Office that willed oligarchic control. That version of the story of how incorporated municipalities came to be, the story that was told in elementary history books and retold over dinners, pitting enlightened Reformers against backward Tories, was much too ideological. For Matthews, "incorporation was essentially a non-partisan issue" (17). Truncating political factionalism, Matthews proposes, "the emergence of municipal corporations represented a practical response to the many problems arising from the inadequacy of the traditional system of local government in the face of rapid urbanization and economic expansion" (17). Matthews essentially extended an aspect of Aitchison's thesis, arguing in favour of the rational genesis of local government: the institution of local government proved more powerful than the individual agents who participated in its coordination. In Matthews' account, the idea of local government was presented as the only viable solution to a set of historically specific problems. Local government became imaginable only insofar as the problems of not having institutions of local government became apparent to contemporaries. Speculative at best, Matthews' portrayal of the actions of agents as wholly rational, void of political, gender, religious or ethnic strains in the process of coordinating instances of governmental institutions, is wanting. A similar, but much less theoretical, leaning can be found in a short piece written on Port Hope's board of police.

H. R. Stuart Ryan (1950) offers a sketch of the board of police in Port Hope, detailing proceedings as they were recorded through minute books. Ryan presents an account of how the board dealt with finances, created and enforced by-laws, approached road improvements and how municipal politics was characterized by electoral contestation. The minute books are offered as testament to how the board of police operated in the town and Ryan's selection of extracts follows from the logic and contents of the minute books themselves. The books are an archive of recorded proceedings, detailing accusations of drunkenness, listing tax assessment rolls and what was purchased by the board, when. Ryan reported the officially recorded history of the board, without much analysis or attempt to theorize. The benefit of laying out the daily operations of the board in this 'narrative' style allows the board to 'speak for itself', holding it against itself for exploration. The downside to this approach is that it actually reveals little of theoretical interest. The majority of the facts exposed by Ryan could have been found in the constituting legislation. Ryan does point to several instances where the board acted *intra virus*, but fails to note what, if any, repercussions resulted. Ryan further points us in the direction that several inhabitants of the town petitioned the board and that the board either quickly accepted or dismissed their concerns. Less pessimistically, Ryan hints at tensions that resulted from incorporating a city under the banner of a board of police. Jurisdiction, for example, became a contested issue, leading to new problems and a series of innovative practices. Who received the sums of money collected for petty offences by district Magistrates within incorporated towns became another problem, necessitating a solution usually based in creative accounting tactics. How boards of police were to treat

petitions that they received, or to what degree local ordinances could interfere with provincial commerce, are other examples of problems that stemmed from incorporation. Ryan's reporting of Port Hope's board of police shed light on the micro-strategies and everyday tactics that characterized municipal administration, helping us recall that grand questions of democracy and political participation were not always on the minds of contemporaries. This focus on the strategies and practices of incorporated boards, the everyday, sometimes mundane, 'things' that incorporated boards did, as well as the tactics and strategies mobilized by agents of municipal institutions, characterises a fourth strand of historiographical accounts of nineteenth century administration.

1.2 Towards a Focus on Strategies and Practices

Jean-Marie Fecteau and Janice Harvey show that two strands of critical historiography, one focused on displaying democratic history 'from below' and the other preoccupied with "a radical analysis of power relations and of specific cases of domination" (2005: 16), have tended to characterize analysts' critical reflexes when describing the strategies of agents. If we focus narrowly on the literature concerned with boards of police, or early-incorporated towns/cities, we find accounts that follow closely the 'social control' thesis that has characterized much of the writing on institutional practices. For example, Susan D. Lewthwaite argues that boards of police principally served a local need, requiring few funds while serving as a Legislative enforcement tool through police courts (2001: 44). Lewthwaite subscribes to the idea that boards of police were principally judicial bodies, dispensing what Greg Marquis (1987: 270) has called 'civic justice': justice served by elected magistrates. Lewthwaite details how the

institution of the board of police served a social control function, while presenting a narrative of agents' attempts to democratize the process of rule 'from below' by gaining access to the channels of local government that police courts offered.

In a second, and related example, Katherine M.J. McKenna (2003) makes a contribution detailing how lower class women used the Prescott board of police, in its early years, to enter appeals, receive compensation for transgressions and resolve personal disputes. McKenna, through an analysis of meeting minutes, traces what she argues is an important characteristic of the nineteenth century Prescott board of police, namely that of a public, meaning open and more or less widely accessible, space within a vibrant (urbanized and urbanizing) community. McKenna, while seeking to complicate the idea that all nineteenth century institutions were always only patriarchally structured, a more or less common feminist historiographical approach, presents a narrative of women's agency that was able to resist the domination of the incorporated institution for some time before being shunted anew by male repression. In her version of the practices of agents within an instance of municipal rule, the institution was always opposed to female emancipation; it was females' appropriation of the institutional space that the board afforded, democratization from below, that became a recognizable and categorizable activity: agency as resistance.

Analysts have repeatedly presented agents' disruptive actions as resistance, indicative of their epistemological stance on the position that institutions occupy within an imagined agency-institution (structure) dichotomy. To be sure, resistance can be seen as occurring, but only insofar as resistance itself is dependent on institutional instances

(Greenpeace may be disruptive and resist governmental plans, but are we to conceive of the individuals' actions as a pure form of agency outside the purview of institutional existence?). McKenna's contribution reflects a type of social theory that presents agents, in her case lower-class women, as already always existing, an absolute female essence of sorts. In her account, women, as agents within a complex web of associations, are already conceived in advance of their interactions with the institution of local government. This epistemological stance is required to enable her next move, which is to examine how females 'overtook' the space not previously envisioned for their participation. That it was probably the case that many of the women who appeared before the board of police changed at least some of their manners and behaviours to gain entrance or acceptance is truncated for a view that the category of 'woman' could remain intact while resisting male hegemony: repeating the mantra that agents are capable of deploying (a pure form of) agency, while institutions profoundly structure and dominate.

John C. Weaver (1995), in a similar fashion, investigated the role of the board of police and police court Magistrates in Hamilton, focusing on how the shifts in legal and governmental institutions impact on community values and anxieties. Weaver's intensive community study was combined with a nuanced approach to institutional change, picking up on how religious and ethnic compositional shifts affected the targets and practices of police regulation. Weaver's contribution is an exploration of the processes surrounding the board of police in Hamilton, while narrowing in on the 'why' and the 'result' of regulations. Weaver's work, while much less critical than other commentators, focuses on practices and strategies, the ways in which actors negotiate and navigate institutional

spaces and changes. Weaver essentially presents a picture of local governmental institutions on one end of a spectrum, with agents on the other. As such, the agent-institution dynamic within Weaver's account of local government is detached: agents occupy a space distinct from that of 'the' institution. Another avenue taken by analysts has been to explore the contents of regulation, the 'what' of institutional domination, while retaining a focus on practices.

Raphaël Fischler for example, exploring land use planning and the processes involved in the development of regulatory frameworks in nineteenth century Toronto, focused on "the 'what' of regulation" (2007: 16), castigating the 'why' and the 'how'. Fischler, adopting a nominalist approach, studied municipal bylaws, pushing council meeting minutes, committee reports or provincial statutes aside. The work illuminates two characteristics of nineteenth century urban regulation that are worth mentioning in some detail: spatial differentiation and quantitative specialization (18). In the first instance, bylaws develop according to a logic that seeks to differentiate people, things, territories and uses, the classic example being fire regulations and zoning controls. In an attempt to reduce the occurrence of conflagration, regulations were enacted specifying what can, or cannot, be done in certain areas of the urban environment. Differentiation rested on qualitative factors, and usually required little to no equipment to determine if a breach had occurred. Carrying a candle in a hay barn or storing gunpowder in a back yard shed, for example, were both restricted activities during the nineteenth century that required direct observation alone to determine if a breach had occurred.

The second characteristic of bylaw regulation pointed to by Fischler is quantitative specialization. Quantitative standards and increasingly specialized building regulations expanded and extended regulatory schemes. Again focusing on fire prevention tactics, use based construction standards, quantitative building codes, and complex zoning regimes are examples of regulations that require specialized intervention, either mechanical or human. The key argument made by Fischler, however, is that “the refinement of regulations went together with—indeed was dependent on—an elaboration of the institutions of local government” (2007: 22). In the case of Toronto, strategies to regulate the socio-spatial ordering of the city are presented as integral aspects to understanding the incorporation of the city in 1834. Lastly, Fischler argues that planning, although not so called at the time, was an aspect of the act to incorporate York (after incorporation, Toronto) that continued to develop in piecemeal fashion throughout the nineteenth century. In fact, the “forward-looking stance that urban planners have claimed as a hallmark of their trade” (2007: 22) was already an aspect of the activities of the original mayors, councilors and public works employees. The downside to Fischler’s observations is that they are formed solely on the basis of the existence of regulations; no attempt was made to probe the process leading to the creation of new rules, or how enforcement and monitoring or regulatory schemes occurred in the city. Her contribution is thus to document the ways in which ordinances passed and enforced by an incorporated city served to control a population.

The literature on boards of police and municipal government is rich and the above is only a snapshot of the field. I aim to draw attention to the divergent avenues used to

explore local institutions of government. The opportunities to contribute, in my view, are by asking different questions, problematizing a different set of processes. This thesis seeks to, in part, capitalize on the opportunity detailed by Fischler's suggestion to focus "on the motivations and strategies of actors" (2007: 28). While I focus less on motivations, I will show how some regulations came to be. More importantly, however, it is my wish also to show the regulations that never were: the moments of failure and of incompleteness that were present in the board of police. Stories of municipal regulation must also reveal stories of how the process of creating regulatory schemes is imprecise, imperfect and often fraught with failure. I focus on the problem of how the board of police was coordinated, in addition to how individuals and groups navigated through and formed the structure of the board itself. To investigate this problem is to shed light on a set of discourses that flowed through and around the board of police, not always emanating from influential townsfolk.

1.3 Organizing Principles of Thesis

This thesis utilizes a reflexive historical sociology to explore and make sense of the programmes, strategies, tactics, and practices that constituted and surrounded the board of police in Brockville. Stemming from this engine of analysis is an engagement with four broad themes: space, time, subjectivity and knowledge. I approach these objects of analysis as being interconnected and heterogeneous, delineated by power. My

preoccupation in this thesis has been primarily with ‘the political’, while attempting to keep comments on electoral politics to a minimum. Approaching the political from a reflexive historical sociology means exploring the conditions of possibility, the foundations and precursors, for the exercise of political will at a given moment in history. It also involves a search for the means by which strategies and tactics were actually used to gain leverage in the ongoing struggles for power and prestige, not simply the rhetoric of politicians and bureaucrats (although helpful in tracing lines of inquiry). The political is understood as a field, where actors mobilize and deploy a variety of resources and tactics while formulating stratagems aimed at particular ends. The outcomes of such strategies can never be fully anticipated. As Craig Calhoun has argued, “attention to historical specificity is one of the crucial ways of demonstrating that what happens to be is not what must be” (2003: 384). In the 1830’s there did not *have* to be boards of police, nor did there *have* to be elected models of municipal government; things could have gone very differently. Tracing the conditions of possibility enabling the creation of Brockville’s board of police, modelled on an elective form of local self-government, is itself a political endeavour. Recognizing that the stakes attached to a reassessment of the conditions of possibility for local government could be quite high, I feel the need to enter several provisos before continuing.

By revisiting some of the assumptions and conclusions made by previous analysts of local government, I expose several myths concerning municipal rule. It is through a reflexive interrogation of the categories and concepts of past commentators that I have been able to re-appropriate, attempting to reclaim, the board of police as an object worthy

of historical sociological study. Brockville, however, is but one case. As such, it would be erroneous to overemphasize any distinctiveness that the Brockville case presents. Equally unwelcome is to romanticize Brockville's board of police, or any past form of social organization. Nor is this thesis an attempt to show that current mechanisms are somehow more 'advanced' or 'better'. Instead, I follow Gavin Kendall and Gary Wickham's elucidation that, "to use history in the Foucaultian manner is to use it to help us see that the present is just as strange as the past, not to help us see a sensible or desirable present has emerged" (1999: 4). Brockville in the nineteenth century then, possessed many of the same problems that any other city possesses in the twentieth, or twenty-first century. I return to this theme of continuity and change in chapter two.

Second, I am not attempting to produce a more 'complete' history. Rather, following Calhoun (2003), I rely on historical sociology as a way to grasp social change, dispel false necessity and to comprehend analytical categories in the "historical contexts of their production and application" (384). To appreciate Calhoun's assessment of the value that historical sociology carries more fully, I think it beneficial to add a Foucauldian notion of turning to history to "disturb the taken-for-granted" (Kendall and Wickham, 1999: 4). For example, participating within the political is challenging, not only because of the need to interact with others, but because it requires an incredible amount of coordination between elements for it to function. In fact, most of the elements that require coordination for politics to function are material arrangements, 'things', and as such escape ontological gaze by some (most?) analysts. 'Things', such as advertisements for meetings, an essential element in organizing public political

assemblies, are sometimes lost in explanations of how agents come together within the public sphere. A meeting requires a multiplicity of persons not only to be aware of the meeting, but also the location, the time, the date, the reason for the meeting, proposed topics to be discussed, note-taking tools, tables, chairs and so forth: meetings are assemblages in this sense. An assembly is an assemblage of elements that must be coordinated prior and during a meeting, it is thus time-, place-, participant- and knowledge-dependant and contingent. Habitual meeting-goers can attest that an agenda is always only ‘proposed’, that the start time is sometimes ‘a suggestion’ and that if a scribe is not identified before-hand, it is likely that accurate notes will not be kept. Likewise, an entire set of conditions must be in place for municipal government to be realizable, many of which I contend are taken-for-granted. One of the purposes of this thesis then, is to explore these conditions rather than present a narrative of how municipal government was ‘created’. Coordination, perhaps even orchestration, is a more suitable term to define the trajectory of Brockville’s board of police: it was not created from ashes, but rather the right elements at the right time came together.

Third, my choice of targets for analytical gaze has derived from my continual interaction with archival data. In a dialectical⁵ fashion, I continually returned to a set of

⁵ The use of the term ‘dialectical’ here must be pardoned. It is not intended to signal a sharp contrast, theoretically or certainly not methodologically, from any other way to ‘interact’ with texts. Reading texts, writing about texts and thinking through texts are necessarily dialectical exercises. What I intend to signal, what in essence I wish to highlight, is that the texts that inform my account were held close-by during the various phases of the project. In less formal terms, to quell the ‘sociologist-playing-historian’ imposter syndrome, my archive occupied a central importance while I wrote (spending probably far too much time organizing it as well). This seems

texts to inform my arguments. For example, it is not my lack of attention that leads me not to speak about women appearing at board meetings. In fact, quite contrary to McKenna's (2003) findings, women did not use the board of police in Brockville during the years under review in the same way that was occurring in Prescott. A comparative study of women's involvement with boards of police would thus be interesting. My proviso is that I did not attempt to conduct a comparative study. My goal was to focus extensively on the Brockville case, hopefully bringing fine-grained detail to the evidence that I present, and the arguments that I advance. The comparative approach will have to wait for another thesis.

Finally, the stories from board members and town inhabitants inform my understanding of municipal government and the rhythm of local municipal rule in the 1830's. Meanwhile, my experience and critique of current governmental administration is never very far away. This relation of present to past, of understanding the past through the present and of constituting the present through the past is an element in the reflexive historical sociology that I call upon to chronicle the birth and growth of a form of municipal government. It is at the heart of how I understand municipal rule.

1.4 Brockville's Board of Police Archive: On Materials and Methods

to have appeased my historical anxiety at the time of writing, I cannot comment on other's potential anxiety while reading, however.

The 'archive' is a somewhat slippery concept. It possesses both a literal and an abstract characteristic (Osborne, 1999). In its more literal sense, images of libraries, museums or holdings rooms conjure visions of endless repositories of texts, memos, images or sounds. Increasingly, digital databanks come to mind as a virtual place where the past can be categorized, labelled and retrieved by keyword. In this manifestation, the archive is submissively waiting to be sorted through, coded, made sense of and added to. For Derrida, this process of accessing, interpreting and contributing to the archive is synonymous with political power (1995: 10-11, fn.#1). Struggle is at the heart of attempts to form and transform the archive; the process is contingently connected to the technical methods of 'archivization'⁶. This image cannot be said to be entirely false. It cannot be said to be entirely correct either, however. It is true that the physicality, the literality, of the archive has a very real material component: boxes of paper, books on shelves, stacks of audio/visual recordings, the omnibus reels of microfiche and so forth- all literal, physical things that the archive has, hidden and most often stored offsite somewhere. The archive also has a much more abstract aspect. It can be constituted and formed from a variety of combinations of physical things, but also of ideas and mechanisms that filter and sort those ideas. The archive, abstractly, can be seen as "that which differentiates discourses in their multiple existence and specifies them in their own duration" (Foucault,

⁶ Derrida (1995: 17) utilizes a technical conception of 'archivization' to discuss Freud's historically specific mode of communicating, which had a direct impact on the way the Freudian archive was constituted, preserved and accessed. This technico-temporal dimension of 'archivization' must cause us to pause and think through what effects technologies can have on the archive of our own communications. This is perhaps especially true within bureaucratic institutions, which have historically relied on the construction of an archive to operate.

1972 in Osborne, 1999: 53). This image of the archive is less passive as in the literal conception. The archive is actively created, managed and orchestrated in a sense. It is a representation of ideas and values at a specific moment in history. The act of constructing an archive, then, is contingent on the technical means available, as well as the sets of knowledges at one's disposition.

The above theoretical detour concerning the archive is important inasmuch as it causes us to take seriously the type, and origin, of the material relied on when doing historical analyses. For this thesis, I have assembled a collection of primary sources that are being treated as Brockville's board of police's archive. These include: 352 issues of the *Brockville Recorder* published between 1830 and 1837; 142 issues of the *Brockville Gazette* appearing between 1830 and 1832; 134 ordinances, tallying more than 300 individual regulations ratified by Brockville's board of police; the board's meeting minutes, amounting to 231 sessions which were held between 1832 and 1836; biographical sketches from a variety of sources, including genealogical; journals of the House of Assembly and Legislative Council for Upper Canada; secondary historical accounts pertaining directly to Brockville and to Upper Canada during the period under study. This is, of course, a reduction of the available material pertaining to the board. I present data that relate directly either to the board itself, or to individuals who were members of the board. The activities of the board are found in newspaper accounts and are detailed in meeting minute style. A comment on the nature of these sources is worth making, as it pertains to what type of information can be gathered and the direction that my arguments take.

As a documentary source, meeting minutes are a potential window into the daily, often mundane, activities of an organization. It is an opaque window, however. Minute books, by the very nature of the type of document, present both possibilities and limitations. Meeting minutes are not complete transcriptions of events: they do not always reproduce verbatim what was said or what occurred. The pages of hastily handwritten text that I explore are the remnants of a clerk's labour, hired to document the board's main decisions during a session. They tell stories of which elected members were present, who addressed the board with petitions, who was fined for breaking an ordinance, where tax money collected by the board was spent, who received a license to operate a grocery, or which course a newly laid out street was to cut through the town and how it would be named. They also reveal more insidious sides of life for some in nineteenth century Upper Canada: poverty and the hardships associated with living in a frontier colony; male hegemonic rule over females, especially those suspected of earning a living by selling their bodies; the threat of, and sometimes actual, imprisonment for unpaid fines; the difficulties of living in close quarters in a new burgeoning town that, without the sanitary infrastructure that we enjoy today, implied the constant threat of disease and infection. How much, or how little, detail was provided in the minute book was up to the discretion of the clerk. This perspective runs in parallel with Marlene Manoff's observation that "there is currently a widespread sense that even government records that appear to be mere collections of numbers are, in fact, already reconstructions and interpretations", that "someone decided what was worth counting and how to count it" (2004: 14). Herein lie the limitation and the possibility.

What was included was important, at least to the clerk who decided to include it. For example, while the particulars of sexual abuse committed by drunken male inhabitants were recorded, the details of disruptions to the board's meeting sessions occasioned by disgruntled inhabitants had to be read in local newspapers. That the minutes reflect an idealized version/vision of the board's activities is not entirely surprising. It did, after all, need to reaffirm its benevolent existence. Relying on sanitized, procedural language, the minutes do not reflect the lived experience of being dealt fines, taxed on property, or having one's mobility and economic transactions regulated by the board, for example. The impression that one could get from the minutes is that the board could only do what was 'good' for the town. While it did on occasion review its decisions and its activities, even this exercise was predicated on an outward display of expertise and knowledge prestige: ruling could always be more efficient and effective, governing more targeted and precise. More than mere rhetoric, the minutes are the product of individuals' belief in the system of rule and mode of governing that the board represented. Structured by what Foucault called a "system of discursivity" (1972: 129), the stories that are told through the minute book also represent what was in the realm of possibility, what could be said, within a particular time and place. If we heed Carolyn Steedman's suggestion that we "read for what is not there", that the "silence and the absence of the documents always speak to us" (Steedman, 2001: 1165 in Manoff, 2004: 16), then what clerks decided not to jot down on the books is as important as what they did. As such, supplementing the board's meeting minutes with a variety of sources allows me to get a better, although always incomplete, grasp on what was happening, as well as

the sentiments that flowed in and around Brockville during the period. My attention is thus drawn to instances when the local newspapers wrote about something while the board's minute book makes no mention of it, and vice versa.

There is no documented instance that the board reviewed the meeting minute book for accuracy, as would the now tedious custom of re-reading previous sessions' minutes at the start of each meeting dictate. In fact, there are several occasions where a clerk, other than the one presiding at the initial meeting, transcribed the minutes into the book at a later date. Between 1832 and 1836, it was common to witness two clerks employed by the board for a given year; during the four years between 1832 and 1836, seven different individuals occupied the position of clerk for the board, several being dismissed for neglecting duties.⁷ This was not much different than any other appointed position to the board, as will be discussed in particular reference to Brockville's volunteer fire brigade. The irregularity of persons conducting clerical functions, further evidenced by a multitude of hand-writing styles found in the book, translates into an irregularity of the information provided. For example, for a brief period in late 1832 and early 1833 the occupations of individuals fined or appearing as witnesses in cases were recorded. Blacksmiths, butchers, wagon makers, and hatters all appear as key informants. The

⁷ William M. Hynes occupied the position of clerk from April until May 9, 1832. Robert H. Fotheringham took over the duties until April 6, 1833 when Archibald McLean was appointed clerk. McLean resigned on March 25, 1834 and was replaced by William Johnson. Alfred G. Hall took over in April of 1834 and stayed on the board until the following April elections in 1835, when Richard F. Steele was appointed clerk. Steele was dismissed from office soon after on May 13, 1835 for "neglect of duty". Daniel S.M. Quinn handled the board's clerical duties from May until April 1836.

categorizing of individuals along lines of occupation disappeared from the record in subsequent years.

Following Paul Attewell's (1989) observations concerning the mundaneness of clerical work in the nineteenth century, it would be somewhat erroneous to characterize the role performed by the board's clerks as either 'master craftsmanship' or quasi-managerialist. In all likelihood, clerks wished to limit the amount of meeting minute transcription they had to perform amid the multitude of transcribing, correspondence writing, bookkeeping, and accounting tasks required of them.⁸ One must exert some caution before making conclusions concerning the absence of occupations, or the inclusion/exclusion of other information more generally. Rather than signaling a shift in mentality, omissions may hint more at the fluctuating and experimental nature of the board's process throughout its formative years. That said, the minutes were never published and were not intended to be a vehicle to expose the board's activities as such. Newspapers, on the other hand, were used in a more deliberate fashion.

The board of police relied on local newspapers to publish key information. Ordinances, fire brigade meeting minutes and announcements of the board's key decisions and financial transactions were all *intended* to be published. These texts, consultable through newspaper archives, represent another avenue into the official

⁸ The clerk recorded the board's financial transactions in a ledger book for example. The original ledger book for 1834 and 1835 is found at the Brockville museum: 'Town Ledger for 1834' OBS 1834. The clerk was also in charge of recording all fines dolled out by the board, these records are also found at the Brockville museum: 'Copies of Police Ledger 1834-35' AB 43 a folder#1 1834; 'Convection and Fine Ledger Book 1834-35' AB 43 a&b 1897.

documentary legacy of the board. Meanwhile, newspapers also published editorials, letters to the editor and informative pieces chronicling the activities of the board. As *unintended* windows into the affairs of the board, these sources often offer a contradictory narrative of the board. Combined with the meeting minutes, the board's archive is fairly well preserved, which lends itself well to a historical analysis. However, there are inevitable gaps in the details, which make a comprehensive account impossible. It is not my intention to produce a 'more complete' history or a history that is 'more accurate', but rather to re-examine the fragments that remain from a different perspective.

The method adopted for this thesis is twofold. First, rather than starting with predefined categories such as gender or class- the category 'woman' for example- and attempting to trace their articulations over time or within certain institutions, I have started with the conditions from where articulations of categories can be made possible, then attempted to trace how they emerge and are transformed within a set of governmental rationalities that exist. This requires suspending preconceived and reified constructs and resisting the temptation unreflectively to import categories for comparison. I do not contend that actors unreflectively take-up and enact certain categories. The existence of a category necessitates a multitude of conditions for its eventual acceptance. The same is true for institutions and mechanisms of administration. The mere existence of a form of governing does not mean that it has been deployed according to initial specification. It is much more likely that aspects have been picked up, while others left aside or combined in novel ways. Approaching the development of

municipal regulatory projects in this way allows me to conceive of the processes as ‘messy’, never finished and never entirely predictable.

In order to begin to approach my object of study, the incorporated board of police in Brockville, along the lines outlined above, I have borrowed an Eliasian method of reading published works from Stephanie Ernst. Ernst proposes that published works (specifically etiquette⁹ manuals in her work) can be ‘read’ in three ways: first, as representing change. This reading understands texts as representing what is actually occurring, and posits the published material as a reflection of changes in social figurations. Attention is given to the construction of a public(s) as intended audience, the author, changes in editions over time and so forth. The second way to read published works proposed by Ernst, is to consider the objects that are described within them as not actually occurring, but desired or aspired to. Published works here represent how social actors ought to engage in behaviours, and materials are prescriptive in content. The third way is to read documents as attempts to disseminate new ideas or social standards. This reading positions texts as counter-normative attempts to change taken-for-granted behaviours and may propose new techniques to navigate life. The reflective, prescriptive and the critical readings “allow us to position [texts] in relation to wider patterns of social change” (Binkley, Dolan, Ernst & Wouters, 2010: 64; see also Ernst, 2009). Although Ernst’s ‘techniques of reading’ are geared towards etiquette manuals and popular

⁹ The concept of etiquette which I mobilize throughout the thesis is best expressed by Emily Post’s (1922) definition in *Etiquette In Society, In Business, In Politics and at Home* which sees etiquette as “a collection of forms by which all personal contacts in life are made smooth” (346).

publications, I feel that the method can be extended to analyze publications and texts stemming from the board of police: meeting minutes, ordinances or financial reports for example. In the case with which I am concerned, it is not quite accurate to separate ‘popular’ publication and ‘official’ publications, the latter ringing with formalism. Ordinances for example, to be in effect, had to be published within local newspapers, placing official-type publications into popular media. Aside from some controversy over the contract to print such ordinances, it seems that this rule was well respected. Further, letters to the editor commenting on ordinances lead me to assume that at least some of the inhabitants were reading ordinances in the newspapers, although this form of publicity also suggests that the board was attempting to call the attention of a certain literate public within the town.

At last, with these considerations in place we can turn to exploring the crafting of the machinery of municipal rule.

2 Coordinating the Board

This chapter explores the processes that were involved in coordinating the board of police in Brockville. The focus is on the processes leading up to the passing of the

Brockville police act on January 28, 1832¹⁰. The chapter traces the actions taken, the arguments and the counter arguments advanced by those who wished to institute a particular model of government in the town. The board of police model was proposed as an alternative to the traditional mechanism of governing localities through appointed magistrates¹¹. I argue that the device of incorporation, combined with the practice of petitioning, served to delineate a space that was conducive for political participation. The individuals operating within this space, possessing, in part, political capital, had the means to influence a significant change in the form that local administration took by coordinating Upper Canada's first elected municipal body politic. To begin to understand how the processes of coordination occurred, we must first attempt to understand the dynamics of the public sphere that was essential to providing a platform upon which arguments and proposals were advanced. I contend that a dynamic model of the public sphere is required in order to account for the shifts and changes that occurred in Brockville with the incorporation of the town. Since I am interested, in part, in the technology of the petition, a model of the public sphere must be able to account for the

¹⁰ 2 William IV, C. 17 (1832), "An Act to Establish a Police in the Town of Brockville, in the District of Johnstown."

¹¹ This was not the first instance of a proposal to amend the administration of localities. In 1799, for example, John Elmsley, at the request of Peter Russell, produced draft legislation that aimed at "the restraining of vice and the preservation of good order within the Precincts of each Town" (Cruikshank & Hunter, 1932: 249). Elmsley's "Police Bill" sought to widen the regulatory authority granted to Magistrates out of session. As such, "without waiting for the quarterly returns of the Sessions of Peace for the respective Districts", the bill proposed to expedite the regulatory process (Cruikshank & Hunter, 1932: 229). The dream of perfect regulation was to be couched in a police bill that circumvented the traditional pattern of Magistrate authority.

ways in which individuals participated in the petitioning process through various mechanisms such as the press.

The chapter is divided into three parts. First I will outline Jürgen Habermas' iteration of the bourgeois public sphere. I retrieve from Habermas a focus on the historical development of a political space, rejecting his emphasis on the rational, consensual character of that space in favour of an oppositional public. The process of petitioning the provincial Legislature, in the case of Brockville, shows that a 'petitioning public' was not homogenous, characterised rather by a variety of oppositional views and involving personal and collective interests. The second section draws attention, schematically, to the conditions for the formation of a petitioning public. I point to some of the historical developments of the petition and the newspaper in England and within Upper Canada. The third section offers a reading of nineteenth century incorporation, providing context to proposals to incorporate Brockville. I argue that incorporating a town represented more than a juridical distinction of authority. It was an indication of the type and rationality upon which relations of self to self and of self to others were predicated. The desire to incorporate Brockville, then, must be read as a reflection of changing circumstances and conditions, as well as an attempt to instil change by a certain faction of individuals. In the fourth section of the chapter I focus on individuals and groups involved in proposing an incorporated town as well as on the incorporation process, from local meetings to the Legislative Council's formal acceptance.

The goal of the chapter is to focus on the link between cultural possibilities and political forms, serving to reposition an exploration of nineteenth century local

government away from static, *why*-type explanations towards *how*-type inquiries. I thus ask how the board of police was coordinated, focusing on practices and what agents did to arrive at their expected outcomes. Second, it will be seen that some proposals for the incorporated model attempted to deviate from previously established ways of governing, while others remained conformist. The concepts of continuity and rupture provide but one way to conceptualize the debates encountered here. The warning cries of Ian Hacking in the 1980's are perhaps worth reciting:

that the dictates of fashion will encourage some of Foucault's admirers to mimic mindlessly each turn in the master's writing, so we shall expect that ruptures in the history of ideas will be less and less commonly brought to our attention, while smoother trajectories will be given to the development of ideas.

Hacking, 1982: 281

While it appears that within contemporary Foucauldian studies the pendulum has swung the opposite direction, noticing rupture rather than continuity at every turn, suggesting that the board of police, even in its proposal stage, represented either rupture *or* continuity is somewhat misleading. Even in Hacking's 'avalanche of printed numbers' one may find dozens of instances where the idea of statistically representing categories of people was taken up, put into practice, challenged, reshaped, dropped and taken up again albeit in a different form. We are left asking if each micro-instance represents rupture or if the process is part of a longer chain. If we are to find rupture everywhere, then each manifestation of an idea must be held constant to act as a springboard for the next. If placed within an evolutionary model, shifts in ideas and practices lose much of their

importance to the macro-process at hand. It is with these considerations in mind that I treat the development of the board of police not as an instance of continuity *or* rupture, but rather as a mix of both. I focus on the strategies and tactics mobilized by individuals directly involved in the plan to form a board of police. Through an examination of these strategies and tactics, it becomes clearer how the idea of governing through a board of police blurred the distinction between administering things and governing people. What were the steps taken? Who was involved in the process of forming the board of police? How were public meetings, petitions and draft bills linked to an emerging debate centered on the problem of how best to govern self and others? And, what were the effects of such a process? These are a few of the questions that I wish to explore in the following pages.

2.1 A Rational Consensual Public Sphere?: Towards a ‘Petitioning Public’

In *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society* Jürgen Habermas (1991) sets out to explore what the category of public meant in seventeenth and eighteenth century bourgeois society. Habermas’ historical account of the transformation of the meaning and practices constituting the public sphere lends itself well to the type of analysis I wish to engage in the case of Brockville. In fact, Habermas’ focus is how, in subsequent centuries, the meaning and practices around the concept of public were transformed. Following the Frankfurt School, Habermas engages in historical, social and normative critique of the

rise, development and transformation of the public realm (Goodnight, 1992). Important to Habermas' exploration is an attentiveness to the implications of capitalism and state structures as they relate to the formation of a distinctive public sphere born out of "European Enlightenment discourse and the development of civil society" (Goodnight, 1992: 245). Habermas argues that this bourgeois public sphere, "defined as the public of *private* individuals who join in debate of issues" (Calhoun, 1992: 7), came to be, then degenerated and collapsed. Amidst Habermas' normative political project, we can find a carefully constructed account of a specific historical moment. Schematically, this was a moment in eighteenth century European politics which saw a widening of popular participation and the formation of the idea of citizenship linked to a series of loosely coherent demands for rational authority, as opposed to arbitrary authority, by citizens of states organized into publics under legal doctrines. Habermas, however, wants to link the rise of a public sphere with processes and forces which extend beyond the formal political arena.

He links the familiar story of formal political developments with socio-cultural changes: the growth of a distinct set of urban practices and establishments, such as the coffeehouse, the concert hall, meeting houses, lecture halls and so forth; the development of communicative infrastructure such as printing presses, newspapers, publishing companies; a literate reading public linked to language and reading societies; subscription publishing and the availability of a wide range of genres of texts; advancements in transportation which facilitated the movement of people and ideas; centers of sociability such as pubs, taverns, and clubs, where ideas would clash, be debated and public opinion

formulated; and voluntary and subscription associations (Habermas, 1991; Eley, 1994: 298-299). It is this specific articulation, which includes an assessment of the public sphere as an unintended consequence of long-term economic-social developments, that renders Habermas' historical account much more appealing than his abstracting of an ideal that is then held against contemporary politics (his normative project). It is the historical specificity which accounts for the majority of the first part of the *Structural Transformation*, that I wish to retrieve and put to work. I give much more weight to Habermas' project of detailing a particular assemblage of agents and arrangements at a particular historical period, than his rational communicative ethics and democratic ideals.

With that focus in mind, Habermas traces the emergence and development of the bourgeois public sphere as historically linked both to transformations in state formation as well as in capitalist economic practices. For this reason, I think it a salient concept to mobilize in attempting to understand the figurations flowing from and through the board of police in Brockville. Moreover, Habermas' articulation of publicness provides another avenue to assess the practices of the board. For Habermas, the feudalist conception of publicness focused on the representation of authority and was "inseparable from the lord's concrete existence" (Habermas, 1991: 7), it cast the public onto the king and the court (Calhoun, 1992: 7). This form of 'representative publicity', reaching its peak within the court society, was transformed into a new sociability, which separated public and private matters based on state rule. Soon, a modern notion of the public sphere "depended on the possibility of counterposing state and society" (Calhoun, 1992: 8). That sphere

then found itself populated by an educated faction, whose members saw themselves at the centre of ‘the public’ as well as in opposition to public authority.

This spatial component of Habermas’ public sphere, perhaps more adequately understood as a metaphor (Barnett, 2008: 9), should be understood as a conceptual arena that problematized areas of political life, which had not previously been subject to critique. More important to Habermas’ analysis, however, was the conceptualization of a bourgeois public sphere situated between the state and public life on the one hand, and the private sphere of family and work- composed of private interests- on the other. What I am proposing is to follow Habermas as far as the development and organisation of a public sphere, truncating his claims to location of that realm. I argue that in the case of Brockville, the board of police played an orchestrating role alongside a number of other institutions and agents which were also active within the political public sphere. No one agent or arrangement could influence the sphere in its totality, attesting to its relative independence, while retaining its functional dependence with the board. A good example of this dynamic is the way in which petitions for the incorporation of Brockville functioned. While petitions were being formulated with the purpose of incorporating the town as a board of police, a variety of agents aligned themselves to that purpose, no one agent standing out as *the* entrepreneur of the proposal. As such, we may speak of a ‘petitioning public’ (if my use of this clunky term can be forgiven). Through the efforts of a variety of agents, within and beyond the ‘petitioning public’, a political sphere came into being. This political sphere however, was not characterized by ‘rational’ consensual-type discourse from which Habermas envisioned the bourgeois public sphere to be

constituted. Before surveying the process and effects of petitioning for an elective board of police in Brockville, in the next section I wish to briefly set the stage, exploring the technology of the petition broadly, tracing the conditions for the formation of a petitioning public. After this initial overview, I will dive into the details of the initial years of the board of police, exposing narratives stemming from the attempts to incorporate Brockville.

2.2 Conditions For a Petitioning Public

The practice of petitioning in Europe dates to the Magna Carta in 1215. In England, The Petition of Grievances Act was adopted in 1610 and the practice of petitioning was reaffirmed in the English Bill of Rights of 1689. Theoretically, petitions provided an innovative means of redress against actions taken by rulers. The practical dimensions, seen as an “unintended consequence of communicative change” (Zaret, 1996: 1498), of the development of petitioning must not be overlooked. In essence, the development of the petition can be seen at the crossroads of a burgeoning literate public sphere (Habermas, 1991; 1992), commercial printing activity and a growing market for news. This is not to suggest that the petition was born during the 17th century. In 1305 for example, the British Parliament read almost 500 petitions, generally treating topics such as taxes and asking for exceptions to certain regulations. In effect, from the 13th to 16th century over 16,000 petitions were sent to the English Parliament. By the 17th century the word ‘petition’ was commonly used in a variety of ways, including describing the act of sending a grievance to an authority. Large quantities of petitions, most mundane, attest to

the acceptability that the form of expression had at the time. Moreover, petitions granted “immunity to norms that otherwise restrict public commentary on political matters” (Zaret, 1996: 1512). To be sure, exactly what could be said within petitions was governed and regulated informally, attesting to medieval political secrecy norms. Nonetheless, petitions in the early 17th century had the effect of constituting a personal communication between subject and ruler, which was somewhat lost when printing technologies allowed for mass publication.

By the 19th century, petitions were a regular form of communication to the King and his council¹². Between 1826 and 1831, some 24,492 petitions were sent to the English Parliament (Williams, 1960: 408). 19th Century petitions took two forms: ‘petitions of right’, which “required the sovereign to act if a court judgement was obtained in favour of the petitioner” (Johnson, 1995: 220), and ‘petitions of grace’ which could be accepted or refused at royal pleasure. ‘Petitions of right’ had some basis in law, and as such were weighed on legal merits. ‘Petitions of grace’ were not necessarily supported by a legal entitlement. They represented requests formulated by individuals and collectives for the sovereign’s consideration. In Upper Canada, by the 19th Century, the form petitions took had become sufficiently routinized that Rev. John Strachan, in 1820, felt it necessary to present aspiring immigrants (and most likely his grammar school students) with a printed example of a standard petition to the Lieutenant Governor

¹² Petitions did not always land before the eyes of the King. Petitions could also be sent to Parliament, to the King’s council, or to the Chancellor, a member of the King’s council (see Johnson, 1995: 220).

(Strachan, 1820: 206-207 in Johnson, 1995: 221). The custom in Upper Canada was to petition the colonial administration through the office of the Lieutenant Governor. Some petitioners, however, most likely those who knew the contours of petitioning sufficiently well, sent their requests directly to the Secretary of State for the colonies. In a similar fashion, petitioners could seek redress through the channels of the District Magistrates in Quarter Sessions or choose to petition the Provincial Parliament directly. Some petitions were sent to multiple levels of government simultaneously, attesting to the amount of flexibility that administrators occupying various offices held. If we accept that petitions were not solely individual expressions of privately held views, how then did at least some petitions enter into shared consciousness? In other words, how did petitions extend beyond the medieval personal communications between ruler and subject and coalesce into 'public opinion'?

Zaret (1999) revises some of Habermas' (1991; 1992) claims as to the rise of public opinion, wanting to locate the birth of an opinionated public sphere before the coffeehouses of the enlightenment. The technological and commercial environments surrounding the rise of printing changed how the petition operated at a practical level. Whereas petitions were generally personal communications, unpublished and largely unread requests, printing allowed a larger distribution of the grievances. Zaret (1999) argues that during the English civil war, the form and content of petitions changed so as effectually to utilize, in a dialogical fashion, opposing political views, speeches, declarations and so forth. The outcome of this was a change in political culture. Petitions, from the mid 17th century, served as a means to access, assemble and publish an opinion

on a topic in the form of a grievance. To be sure, these grievances did not always entail practical consequences and at times resembled symbolic dissent rather than an actual attempt to influence change, adding to the cultural tradition of petitioning. The printing press, acting as a mechanism of distribution and publicity, through almost all of England, played an important role in this emerging political culture. Perhaps most crucial to Zaret's thesis is that it was not an aristocratic class that petitioned, but a less educated diffuse set of people¹³. This finding takes Habermas (1991) to task as to the composition and location of the rise of public opinion¹⁴. Meanwhile, the observation reaffirms the importance of the printing press as a mechanism of publicity.

In its most basic form, the petition was a political text, having some foundation in already existing views. In this sense, even if we regard some petitions as forms of political propaganda, their discursive reality can be found in the public expression of private views, however small in numbers those might be. Petitions then can be seen as “devices that mediate between nominal and real moments of public opinion” (Zaret, 1996: 1517). They influence and shape (*viz* give rise to) opinion by their existence, but more importantly they ‘create’ public opinion through a process of formalization and

¹³ Johnson's findings on petitions in 19th Century Upper Canada challenge the notion that petitioners *had* to be literate: “even illiteracy was not an insuperable barrier since petitions often came from people who could not sign their names. Who helped such applicants to prepare their petitions is rarely evident, but the petitions nonetheless were written and submitted, by rich and poor, men and women, magistrates and petty criminals, and officer and private alike” (1995: 223). Literacy and petitioning are thus not mutually exclusive.

¹⁴ See also Fraser (1956) and Pincus (1995) for revisionist accounts of the rise of public opinion. For a similarly unsympathetic assessment, see Flyvbjerg, 1998.

institutionalization. Little grievances, signed by people, printed and published, acted as political evidence of public opinion on a matter. The technical aspect of printing is as important as the traditional aspect of petitioning from this vantage point. The act of publishing a petition, typically in pamphlet form during the 17th and 18th century, was a way of making a privately held view public. The supporters of petitions entered publicly into a dialogue with administrators on matters of concern, having their names published alongside the petition. If we side with Michael Warner that “the making of publics is the metapragmatic work newly taken up by every text in every reading” (2002: 12), the petition is a source for the creation of publics and a vehicle for the extension of a petitioning public. The petitioning public, to have effect, requires (*depends*) on the existence of a network of publicity, of newspapers, however.

Mary Ryan (1997) has shown the link between burgeoning forms of democratic political participation in mid-nineteenth century American cities, and the practice of gathering in public. By the mid-1830's, public meetings were a ubiquitous activity. The newspapers of New York for example, Ryan tells us, were “little more than a series of calls to meetings” (96). As newspaper column space dedicated to announcing, requesting attendance and detailing outcomes of communal gatherings grew, “public meetings had become urban institutions, more routine and more finely orchestrated by the press” (Ryan, 1997: 97). By this time, the press too had become a cornerstone of urban life. The simultaneous regularization of public meetings and the rapid expansion of a literary public, predicated on information gleaned from newspapers, was not an isolated development.

In Upper Canada, a domestic newspaper culture started taking shape in the late eighteenth century.¹⁵ The first printing presses in the province, founded in Niagara by Louis Roy in 1793 and Gideon and Silvester Tiffany soon after in 1798, gave birth to the *Upper Canada Gazette*, *Canada Constellation* and the *Niagara Herald*. By 1820, the same year the first newspaper east of Kingston appeared in Brockville (the *Brockville Recorder*), seventeen weekly papers and one monthly (the *Christian Recorder*) were being delivered to subscribers across the province. The decade of the 1820's would see that number increase to thirty-three. 1831 marked a turning point in the intensification of newspapers publishing: ten new weekly papers, and one fortnightly (the *Canadian Casket*) publication, came into print in that same year. Another fourteen were added to the list in 1832. In total, one hundred and seven newspapers in Upper Canada had come into existence by 1837; one hundred and twenty-eight appeared between the period of 1820-1840. Whereas the pamphlet and the book led to the development of the newspaper in England, in Upper Canada “the book and the pamphlet were the offspring of the newspaper” (Wallace, 1931: 4), attesting to print media’s importance in forming and shaping cultural expressions. While some of the newspapers that appeared between 1793 and 1837 were short lived, others enjoyed sustained readership. The precariousness of individual print newspapers, usually a function of the number of subscribers an editor could maintain and the amount of revenue grossed through selling advertising space to

¹⁵ The following is from Wallace, 1931. For the link between newspapers and political participation in Upper Canada during this time period, see McNairn, 2000.

merchants, added to the experience of consuming news in this way. Rivalries and friendships could be exposed through referencing practices, 'letters to the editor' sections or pseudonymous opinion columns. A variegated distribution schedule meant that readers could be exposed to stories emanating from all around the province each day of the week. Considered, perhaps, as the emerging fad of the epoch, editors quickly moved to capitalize on their readers' fondness of public meetings to increase circulation. Meetings became a staple in local newspapers.

Indeed, newspapers served as a communicative vehicle for almost every step involved in a meeting. From advertising that a meeting would take place, to publishing the resolutions passed during an assembly; and from publicizing opinion pieces from people who attended a meeting, to laying before readers a debate about a gathering, newspapers were easily filled with meeting news/gossip. A literary public was thus an important element in the constitution of a meeting public and by extension a petitioning public. A similar process can be seen from at least 1787, for example, when political commentary and reporting of British meetings began entering into the columns of the *Sheffield Register* (Read, 1961: 69). Newspapers' announcements of meetings also played an important role in southern American electoral politics during the 1820's and 1830's (Baldasty, 1992).

If the public meeting was the valued vehicle to advance proposals and convene to discuss matters of interest, the petition represented the product of a reflection on collective toil. In an attempt to discern why a flourishing petitioning culture had not crossed the Atlantic Ocean from Britain to influence the minds of Americans and British

colonial settlers, *The American Quarterly Register* published an article in 1832 entitled 'Petitioning in Behalf of Public Objects'. The article was reprinted by Kingston's *Canadian Watchman* and was presented to Brockvillians through the organ of the *Recorder* on March 1, 1832. A part of the failure to foster a petitioning culture was "the unwillingness, on the part of many, to interfere in what they call political concerns" ('Petitioning', 1832: 195). So important was the need to participate in politics, the article suggests, that the absence of a petitioning mass would prove calamitous. If "upright and conscientious men", that sacred exclusionary class, were "keep aloof from the great field of civil and political affairs, most disastrous will be the consequences" (196). The prerogative of political participation, linked to an ethics of petitioning, was to guide the activities of those who willed for a brighter future. Seen as a "sacred (Christian) duty, and a most invaluable privilege" (197), the act of petitioning was elevated to the realm of mythico-religious obligation. Invoking Christian spirituality and legal doctrinal innovation, petitioning was presented as a modern, quasi-theological responsibility. In contradistinction to some of Britain's colonial tribal societies, the American and by extension the Upper Canadian societies, could feel contemporary about petitioning. As such, the article colourfully proclaimed, "a half civilized people, when their rights are invaded, will assert them in blood and in fire. A conscientious Christian community will vindicate their rights by clear argument and strenuous appeal" (197). Longing for redress through petitions need not be the dull affairs of bygone politics either: "the excitement produced by petitioning for a public object, does more than anything else to enlighten the public mind" (196) we learn. The mind, specifically the political mind, was fragile,

however. Much like the Christian subject, the young political subject required careful moulding.

The attempt to shape, to craft, the political mind involved instilling a will to participate in nonpartisan affairs. The argument was that party politics was a check on rational, political thought. “Is it not really too absorbed that at a period, when the mind is forming” argued the *Brockville Gazette*, “it should be closed up like a Chinese slipper by the iron straps of *political* connections” (*Brockville Gazette* December 13, 1832)? Political connections and political bias were presented as evils that worked against civic participation. Political cleavage, the argument went, worked to differentiate persons to the point that children “are forbid to visit Mr. So and So’s family, because he is a Mackenzieite or so & so, because her husband is a Government man” (*Brockville Gazette* December 13, 1832). The crafting of a political subjectivity thus entailed close attention to both the vehicle of public political participation- the meeting-, as well as the specific political associations that one enjoyed: creating a petitioning public involved creating the conditions to induce individual political subjectivities that could align to the problems of the day. How did the tradition of creating opinionated publics through the practice of petitioning carry over into the Brockville police proposal? In what ways did the practice of petitioning extend an emerging public sphere? And, how did the petition serve to structure the Brockville police board; that is, what were the effects of the petitions variously envisioned, created, contemplated and circulated? The next sections seek to untangle the process of coordinating the board of police by examining how the practice of petitioning, combined with the device of incorporation, that state sanctioned authorization

to act independent of centralized coordination, served to outline the architecture of municipal government.

2.3 Movement to Incorporate

In the summer of 1830, a group of inhabitants gathered at the *Brockville Coffee-House* decided to draft a petition that would set in motion a serious reflection on how best to govern the town. The subject of the petition was to incorporate the town of Brockville (*Brockville Recorder* August 17, 1830). An appeal to the legal device of incorporation was not uncommon by the 1830's. Although there seems to have been a certain jurisdictional ambiguity between incorporated companies in Upper Canada and companies chartered in England which were granted authority to conduct business in the province, the practice of incorporating and the ensuing social and legal organization of incorporated bodies politic was known (Armstrong, 1985: 248-254). Persons assembled into private companies, enterprising in a range of activities from building canals¹⁶, organizing banks¹⁷, building turnpikes¹⁸ or operating wharfs and harbours¹⁹ were all

¹⁶ 4 George IV, C. 17 (1824), 'An Act to Incorporate Certain Persons Therein mentioned under the Style and Title of "The Welland Canada Company".'

¹⁷ 59 George III, C. 15 (1819), 'An Act to Incorporate Certain Persons Under the Style and Title of the President, Directors, and Company, of the Bank of Kingston.'; 59 George III, C. 24 (1819), 'An Act to Incorporate Sundry Persons Under the Style and Title of the President, Directors, and Company of the Bank of Upper Canada.'

organized on the legal principle of incorporation. Beyond business ventures one can find among others, an assembly of incorporated church trustees²⁰, an incorporated school society²¹ and incorporated college trustees²². This form of incorporation was granted by state legislature and carried statutory requirements. It is the modern form of a *de jure* corporation. In Upper Canada, a corporation was formed once the Legislative Council passed an act authorizing its creation. Incorporation retains this state prerogative to this day, albeit in a more administrative fashion than a political one.

The practice of creating corporations, of granting legal rights and obligations to carry out specific activities within a predefined field, can be seen as part of the process of state formation as early as the fourteenth and fifteenth centuries. The capacity to regulate social interactions through the device of incorporation and the “legitimation of the authority to impose a political order on a variety of rights, immunities, and privileges of a number of social groups such as guilds, universities, chapters, and associations was a precondition for the rise of the early modern state” (Isin, 2002: 169). The driving force of

¹⁸ 10 George IV, C. 11 (1829), ‘An Act to Incorporate Certain Persons for the Purpose of Making a Turnpike Road in the County of Halton, under the Name of the Dundas and Waterloo Turnpike Company.’

¹⁹ 10 George IV, C. 13 (1829), ‘An Act to Incorporate Certain Persons Therein Named Under the Style and Title of the Port Hope Harbour and Wharf Company.’

²⁰ 10 George IV, C. 8 (1829), ‘An Act to Incorporate Certain Persons for the Purpose of Holding Lands for a Free Church in Dundas, in the District of Gore.’

²¹ 55 George III, C. 18 (1815), ‘An Act to Incorporate the Midland District School Society.’

²² 11 George IV, C. 13 (1830), ‘An Act to Incorporate the Trustees of the Grantham Academy.’

incorporation was a will to organize civic and political activity along emerging juridical and legal rationalities and doctrines. *De facto* corporations, in contrast to *de jure* corporations, enjoyed political and legal autonomy and were characterized by assembled persons agreeing upon a shared set of practices. As such, an assembly of persons exercising corporate activities without sovereign approval was not subordinate to territorial or juridical rule. While both forms existed in Upper Canada during the 1830`s, it was the abstract, legally created corporation that became the standard model of corporate organisation in the nineteenth century, while *de facto* corporations mutated into civic associations and societies, such as agricultural societies, debate clubs, temperance societies, Masonic lodges and so forth.

What is important to highlight for my purpose is not the genealogy of incorporation, which Engin Isin has done sufficiently well (1992: 4-57; 1995: 55-59). What I wish to point out is that the proposal to incorporate Brockville was not premised on the *de facto* model of incorporation. That is, it was not a claim that the inhabitants of Brockville had gathered and had agreed on a common set of practices and procedures concerning internal regulations. Rather, the proposal followed closely the logic of a modern corporation, with the characteristic of state intervention and subjugation to juridical rule. The proposal represented a claim to truth concerning how best to organize. It was a reaffirmation that incorporation was the correct structure for a town, an idea that had been put into effect with the incorporation of Saint John, New Brunswick in 1785

and the initial town officer's act of 1793 in Upper Canada²³. The doctrine of incorporation, an instance of 'law-power' as Gary Wickam (2006) has styled it, can be seen to operate in two ways. First, with an ability to negate, to say no, the incorporation doctrine structured social activities by limiting freedom. Second, the doctrine of incorporation had a productive element. It opened a space, an opportunity for action. Its productive power was a potentiality that existed and exists in historically specific moments, and that has effects that can be observed. This productive power is what could produce something, could structure social life and individual subjectivity and could enable or extend freedom. As will be seen, in the case of Brockville, this power also became a tactical option in a game that had an ambition of administering things and governing people. The productive power of incorporation needed to merge with the practice of petitioning to have effect, however.

The social figuration of incorporated entities, and the claim that a town ought to be structured as a corporation, need to be taken seriously. For example, a *de jure* corporation, as an abstract entity, possesses a different set of obligations and liberties than the individuals who make up the corporation (Isin, 2002: 168-169). The corporation exists, at least legally, in perpetual succession. It transcends mortal existence independent of the individuals who are granted its stewardship. As such, the ideals, visions and

²³ 33 George III, C. 2, clause VII (1793). The word 'corporation' was removed altogether in subsequent versions of the act, see: 46 George III, C. 3 (1806); 48 George III, C. 5 (1808). See also Isin, 1992: 109, fn#47, 48.

programmes of the corporation's founders can survive much longer than their own existence. This is achievable through the adoption and enforcement of rules and guidelines of operation for the incorporated body. As such, changes must be made to the corporation's constitution and founding documents if a corresponding change in its operations is to be legally acknowledged. In nineteenth century Upper Canada, this was at the legislature's pleasure, requiring that the Legislative Council pass a bill authorizing a modification to how a corporation functions²⁴. Thus, a juridico-administrative structure, sustained through sovereign power, served to secure the operations of a corporation, well beyond the life of its members; incorporation entailed a future oriented vision that was secured through legal and juridical rationale²⁵. These elements and specificities of incorporation must be kept in mind when tracing Brockville's proposal to incorporate the town as a board of police. They hint at the context out of which the idea was born and at

²⁴ One needs only to trace the complex Legislative history of the Bank of Upper Canada to see that shifts in how the bank operated had corresponding Legislative amendments. The bank was founded with the passing of 59 George III, C. 24 (1819); amendments included: 2 George IV, C. 7 (1822); 4 George IV, C. 11 (1824); 2 William IV, C. 10 (1832) and subsequent Bank of Upper Canada (pretended) amendments: 4 George IV, C. 22 (1824); 9 George IV, C. 11 (1828); 10 George IV, C. 7 (1829); 6 William IV, C. 22 (1836). See also Baskerville, 1987.

²⁵ Fecteau's observations on incorporation during the nineteenth century reinforce other commentators' arguments, as well as my own thoughts generally. Fecteau makes the important observation that charters and patents granting incorporated status had the effect of subordinating incorporated entities to the will of the state and that within this logic "la croissance des institutions pouvait être subordonnée à l'intérêt public, chaque charte octroyée apparaissant ou bien comme un moyen d'assurer certains services essentiels, ou bien comme une concession de privilèges justifiée par l'utilité sociale particulière d'une association. Dans un cas comme dans l'autre, l'État se réservait le droit de jauger la validité de la demande d'incorporation à l'aune de sa politique générale" (1992: 151). Incorporation was thus political and needs to be understood as such.

the stakes at play. In later sections I will show how the character traits and biographies²⁶ of the individuals involved in the proposal and operation of the board of police in Brockville also need to be explored to be able to make sense of how the board operated as an incorporated entity, particularly with regard to objects of regulation.

Finally, as I already pointed to, the doctrine of incorporation carries a negative-positive potentiality. This dialectical characteristic means that the corporation perpetually works against something at the same time as working for something else: a waltz of negation and production. Since this occurs in perpetual succession, the city organized as an incorporated body politic can be seen as much less flexible in response to the shifting needs and realities of its inhabitants. This is part of the paradox of incorporated cities. On the one hand, incorporation allows a degree of freedom in the execution of rule, which is not possible unless a city is incorporated. On the other hand, the available options are limited by the act of incorporation itself. As Isin (1992; 1995A; 1995B) has shown, by the nineteenth century, the corporate city became responsible solely to the state, which had the capability of revoking its charter²⁷. As such, it is not the inhabitants of a city who

²⁶ Here I am subscribing to a form of Philip Abrams' (1982) proposal that individual and collective biography are essential elements of a historical sociology, while recognizing Curtis' critique of attempts to portray agents and institutions as separate entities, already always constituted in advance of their interaction and the corollary effect of presenting "mechanically distorted accounts of regulation" (2005: 549).

²⁷ At the time of writing there is an interesting development with regards to the possibility that some municipalities entertain provincial stewardship, negating their internal capacity to govern. For a variety of reasons, the province of Quebec has 'taken over' the financial transactions of the city of Laval, and is contemplating doing the same for the city of Montreal following criminal charges being laid on the mayor as well as the interim mayor some time after. In 2013,

are the preoccupation of its activities, but rather an abstract set of legal responsibilities and doctrines. The legal discourse of municipal obligations is focused on ensuring its own existence as an incorporated entity. Isin (1992) relies partly on this observation in an attempt to unsettle the liberal myth that incorporated cities represented a welcomed shift toward local self-government in the 1830`s. My observation differs slightly from that of Isin`s on incorporation.

From my perspective, the positive and negative potential that the doctrine of incorporation carries requires something else for it to be put into effect: alone it cannot accomplish much. What I am claiming is that to understand incorporation, one must look at practices linked to incorporation itself, and not only the political and legal discourses and doctrines. Approaching incorporation in this expanded way grants credibility to the variety of options available to agents in particular historical situations. In other words, incorporation alone carries no significant effect unless it is coupled with a set of historically specific practices that coalesced into tactics, aimed at attaining certain ends. This ontological widening opens avenues for the study of how early-incorporated cities were formed, their operation and their effects, while recognizing the contingent nature of the product of incorporation. It is with this orientation that we may understand a specific set of practices that were functionally related to incorporation, the importance of which

municipalities fall under provincial jurisdiction. That the province of Quebec can ‘take over’ the functions of an incorporated municipality attests to the tension between levels of government, and reveals that state apparatuses underpin instances of incorporated cities. The ‘beat’ of Montreal and Laval has not stopped; the activities at city hall have taken an intermission, however.

Jean-Marie Fecteau spelled out succinctly, arguing that “le développement du phénomène associatif doit être saisi comme un mode original d’auto-institution du social, comme réorganisation en profondeur des modes d’intervention sur le destin collectif des hommes et des femmes” (1992: 136). Incorporation was thus more than the simple application of legal and juridical logic, it was a way of conceiving ‘the social’. As such, Fecteau argues that the practice of incorporation created conditions necessary for the *practice* of democracy, and as “lieu privilégié d’apprentissage du social comme *collectif*, [l’association] est donc une forme sociale ouverte à la multiplicité des rapports sociaux” (1992: 153). Incorporation involved the reconfiguring of relations of self to others and of self to self along communal lines, where “le collectif s’impose comme forme indépassable de l’existence en société” (Fecteau, 1992: 153) during the nineteenth century in an enduring way that exists still today (could discussions of civic and political relations occur without mention of the variety of incorporated associations that seek to exemplify collective rather than individual life, such as human rights groups, religious associations or consumer protection societies?). It is precisely this claim of collectivity, a claim that included a supposed ‘public good’ that characterized the proposals to incorporate Brockville during the early 1830’s. Incorporation represented much more than an attempt to reconfigure the administration of the town, it was an indication that the variegated relations of self to self and self to others that served as markers of a particular way of life were changing. The legality and juridical rationality (including subordination to the state) on which incorporation rested were legitimized through the social relations that incorporated associations offered; poor relief and aid societies, agricultural

associations, bridge, aqueduct, and other infrastructure corporations, fire insurance companies and so forth, all pointed to the necessity of repressing individual, spontaneous drives in favour of collective, programmatic ways of living together. The incorporated town in the 1830's was thus situated within a terrain that was rapidly being 'collectivized' through incorporation; the relations that incorporation implied were necessarily disrupted and disruptive. How this process unfolded within Brockville is the focus of the next section.

2.4 Incorporating Brockville

The desire to incorporate Brockville was voiced and publicized through the channels of local newspapers and through handbills drafted and circulated announcing a second public meeting on the question, this time to be held at the courthouse on August 17, 1830. This was on the heels of the meeting that set the ball rolling concerning the question of incorporating the town. In less than one week, the proposal for incorporation became synonymous with a proposal for establishing a police. Police was used in its archaic sense, as a way of organizing agents and arrangements. It was an organizational principle that was linked to "regulation, discipline and control of a community" (Tindal & Tindal, 1984: 15 fn#6), or as Michel Foucault has put it, "the ensemble of mechanisms serving to ensure order, the properly channelled growth of wealth and the conditions of preservation of health in general" (1980: 170). As such, the concept of police was not meant to equate to its current day limited meaning of uniformed constables, carrying weapons and wearing shimmering badges. Although a constabulary could find itself

operating within a police framework, the proposal for a police stemming from Brockville represented a much broader vision of regulation. With a broad organisational goal in mind, it was resolved that, “owing to the great increase of population, and the rapid improvements which have taken place in the town of Brockville, some provision is necessary for the internal regulation of said town” (*Brockville Gazette* August 28, 1830)²⁸. It was further resolved that “in the opinion of this meeting, an elective police would conduce more to the due regulation and advantage of the said town than any other form”. A committee composed of George Malloch, Jonas Jones, Andrew N. Buell and Henry Sherwood was chosen to arrange for the drafting of a petition expressing this desire. The composition of this committee is interesting to mention as a side note at this point, as the members will come to constitute some of the main characters of the board of police through later years.

Mallock and Buell, who had at one point ran a law practice together, represented a Reform political view. Buell was the editor of the *Brockville Recorder*, and son of William Buell Sr., a prominent landowner and long-time resident in the town. Jones²⁹ and Sherwood were devoted Tory partisans. Sherwood would later be elected to the Legislative Assembly representing Brockville, be appointed to the Queen’s Counsel, become Toronto’s seventh mayor and serve as joint Premier of the Province of Canada in 1847 to 1848. Jones also was elected to the Assembly throughout the 1820’s and 1830’s,

²⁸ Also found in: *Brockville Recorder* August 21, 1830.

²⁹ See Richards (1968) for biographical information on the Joneses.

and was appointed to a variety of public offices during the 1820's. Jones would also later become the president of the Bank of Upper Canada and the Saint Lawrence Inland Marine Assurance Company. These Brockvillians, chosen to organise a petition to the legislature, would have been familiar faces to the members of parliament. More than simply cohabiting the same locale, Mallock, Jones, Buell and Sherwood were part of an established faction of Brockvillians. They enjoyed relative status through their various political appointments, economic conditions and family legacy³⁰. Buell and Jones were the second generation of landed American Loyalists, families who bought (and who were given by colonial administrators) most of the land within Brockville. Sherwood's mother was a Jones, a daughter of Ephraim Jones, Jonas Jones' father, who was also granted plots of land within the area that would become Brockville. Jonas Jones was educated at John Strachan's grammar school in Cornwall, putting him contact with other influential Upper Canadian politicians. In 1808 he was a law student at the office of Levis Peters Sherwood, Henry Sherwood's father, Jones and Sherwood thus shared in both family and business affairs. All four men were well educated, putting this to use while practicing law or playing various roles within legal institutions in the District. Beyond this, they were

³⁰ While MacPherson (1981) paints Buell as a 'failed capitalist', constantly seeking capital through various business ventures such as canal construction schemes and infrastructure projects, Buell nonetheless maintained access to credit and could carry amounts of debt probably larger than most Brockvillians at that time. He operated the *Recorder's* printing press while enjoying his brother's, William Buell Jr., presence within the Assembly. At a time when political reporting was dependent on having an actual reporter within the House, his brother's seat seems well suited to act as aid and help sell newspaper subscriptions. Buell was part of a family heritage that "between 1830 and 1850, played honourable, if secondary roles, in the history of present-day Ontario during its formative years" (MacPherson, 1981: 16).

men of conviction. Mallock and Buell were one of the first members of Brockville's temperance society³¹ and Jones played the role of vice president in the Brockville Bible Society, while Mallock that of a committee member, both institutions being heavily influenced by Rev. William Smart of Brockville. Jones was also an outspoken grammar school trustee, complaining that some teachers were encouraging Methodist teachings by taking students out of classrooms and into camp meetings, an unacceptable path for students and intolerable conduct from teachers as far as the Church of England subscriber was concerned³². Mallock and Jones would also collaborate together through the Brockville Savings Bank, established in 1833 promoting local savings, part of a larger attempt to hone a bank in Brockville. The group's ability to navigate the spheres of entrepreneurial business, law and politics offered them a privileged position from which to advocate for incorporation; these four men had a shared sense of how society functioned and how it could be ameliorated, incorporation being but one mechanism to attain that end.

³¹ In 1836, Mallock became the Board of Police's president. One of his first actions was to assemble a petition to the Lieutenant Governor concerning the "great and growing evils" of alcoholic drink in Brockville. The names of local clergymen and other board members headed the petition, while it was signed by 27 other Brockvillians (Library Archives Canada, RG5 A1 reel C-6892, Upper Canada Sundries, vol. 173, 'petition from Brockville regarding Temperance, November 21, 1836, pp.94594-94595).

³² James Padfield was the teacher forced to resign in 1827 for having taken his students to a Methodist camp meeting. Padfield would later be ordained into the Church of England, his Methodist teaching tendencies supposedly repressed (see Lockwood, 2006: 168, 175; Millman, 1953: 213, 222).

The initial eagerness to incorporate the town became linked to the practice of governing through an elected police. What must be stressed is that this development stemmed from the stated desire to ameliorate the “due regulation and advantage” of the town. It was the “internal regulation” that the petition was targeting, a target of both negation (things that should not occur) and production (things that should occur). As such, there was no inconsistency with the idea and doctrine of incorporation. This had not always been the case, however.

In an oft-quoted 1795 letter to lieutenant governor John Graves Simcoe, chief justice William Osgoode expressed his animosity to the idea of incorporating towns for the purpose of government (Aitchison, 1953: 548; Betts, 1976: 226; Isin, 1992: 110; Isin, 1995: 65; Stelter, 1991: 17). Relating the doctrine of incorporation to the upheaval that was experienced “at Home during Lord Shaftesbury’s time and in the dawn of Jack Wilke’s patriotism”, Osgoode reveals something quite interesting about the relationship between incorporation (or charters as Osgoode calls them) and police. He wrote, “the prevailing opinion is that charters do not tend to promote but rather to check trade and manufacture, they are useful for the purposes of police-but more useful for the purpose of faction” (Col. Simcoe papers A7: Osgoode to Simcoe, January 30, 1795 in Betts, 1976: 226). That incorporation was not linked to the productive potential of police in 1793 is telling³³. I draw attention to this particularity as it hints that the doctrine of incorporation

³³ This letter from Osgoode has been referred to *ad-infinitum* as ‘proof’ of hesitancy on the part of colonial officials to offer extended means of local self-government within the colonies. The

was not static; that it in fact had changed by the time the petition from Brockville sought an elected police consistent with the doctrine of incorporation³⁴.

The problem of how best to govern was reaffirmed during a meeting at Peter Wheeler's Hotel on September 4, 1830, where a new petition was drafted (see appendix A). While the focus of this petition remained on proposing to govern through police, it integrated a market provision. The petition reveals the primary nature of the entire proposal: 'improvement', 'growth' and 'prosperity'. It argued that "the establishment of a Market and Police, in the said Town, would essentially promote its improvement, and advance its growth and prosperity- and, besides, contribute materially to the convenience and security of the inhabitants and others resorting thereto (*Brockville Recorder* September 7, 1830)³⁵. The petition quickly roused the editor of the *Brockville Gazette*, spurring the claim that, "most sincerely do we wish that a Police may be established on

argument rests on the notion that incorporating towns was deemed too dangerous, too much of a risk in the wake of the American Revolution. Be that as it may, what is seldom considered is when incorporation, as a politico-legal doctrine, was itself regarded as a potential candidate for widespread local self-government. If we are to take Osgoode's words as an indication, there appears to have been a tension between the doctrine of incorporation and police, at least at the end of eighteenth century in Upper Canada, which, it seems to me, extends beyond fear of popular political participation. In a genealogical sense, the 1830's appear to be a good starting point to begin that discussion; a potential avenue worth exploring that cannot be explored here, unfortunately. Jean-Marie Fecteau also points to the importance that incorporation had during the early 1830's: "ce moment est crucial dans l'histoire des rapports entre associations et État" (2005: 152).

³⁴ In 1826 there was a failed attempt to incorporate the town, the Legislative Council blocking the proposal on grounds that the town did not (or at the least, could not) boast enough residents (Lockwood, 2006: 153, fn#47).

³⁵ Also found in: *Brockville Gazette* September 11, 1830.

such principles as to always prove an efficient check, to disorderly and vicious conduct, and thereby add to the happiness and respectability of this truly interesting and flourishing Town” (*Brockville Gazette* September, 11 1830). The addition of the market, the inclusion of the desire to improve the town materially, the ambition to advance the town’s growth and prosperity through a novel model of government, all point to a competitive logic operating behind the petition. It would be wrong, however, to suggest that this aspect was purely based on accumulation of capital. As will be seen in later sections, fire was on the minds of the framers of the police and market plan. Having in place mechanisms and technologies to suppress fire, for example, was linked to a desire to build and secure larger, more grandiose buildings in an attempt to promote the town and gain competitive edge over towns such as Prescott or Kingston. Purchasing fire suppression equipment, organizing a complex fire brigade and erecting new buildings are all examples of the prestige value within the police model of government. Police could secure material growth and through police government, a more prosperous, prestigious and advanced town could be envisioned. It was in effect the “cheerful obedience, on the part of the inhabitants, to such rules and regulations, as may from time to time be made for their government” that the proposal sought to foster (*Brockville Recorder* September 7, 1830). In chapter four I will return to this theme of the emotional drive for change. For now, I wish to highlight a very basic pattern of growing interdependencies that was being formed as the draft proposal was floating around town.

The first meeting for the incorporation of the town necessarily implied a minimum of individuals, convened together for the purpose of drafting a proposal. It

would have remained at this level had it not entered into the columns of the local newspaper. From there, a literate reading public entertained the idea, expanding the circle of interconnections in an outward direction. Individuals became linked to one another on the sole basis that their ‘cheerfulness’ and ‘obedience’ were being interpolated through the petition. At this early stage, direct affiliation with the proposal rested with established members of the community such as Buell, Jones, Sherwood and Mallock, others assigned to apposing their signatures to a circulating leaflet. It placed individuals in contact with one another who might not otherwise have been, creating functionally dependant relationships: the instigators of the proposal needed signatures. I draw attention to these theoretically oriented observations as they relate to the expanding public sphere that was being created around the board of police, even from a proposal stage. Participating in politics, and the admission cost to the political public sphere, do not necessarily require one to become a parliamentarian, a public speaker or an economic elite. Signing a petition or assisting at a public meeting are examples of the little tools of democracy (Asdal, 2008), the micro-physics of politics that were deployed within and by a petitioning public. Of course, these avenues are blocked or granted based a variety of factors. Women probably did not participate in the public discussions about the future of the police in Brockville, at least I did not find an instance of this. Servants or indentured labourers were not granted the same field of opportunity either; householders or renters enjoyed priority. The political public sphere that I want to draw attention to was delineated, demarcated by markers of status and social hierarchy, the contours of which extended beyond the immediate geographical area of Brockville. The idea of an

incorporated police arrived in Toronto several months after discussions had begun in Brockville.

In the fall of 1830, a petition for “a more effectual system of Police” in York (later Toronto) first appeared (*Brockville Recorder* November 16, 1830). The petition advanced a plan that included incorporation, as well as separating the town into four wards. The plan outlined a scheme where qualified inhabitants would elect annually an Alderman for each ward and three ‘Common Council men’ for the city. The petition also proposed a mayor, a recorder, a treasurer, a clerk, an assessor, two constables for each ward and as many subordinate officers as the “Mayor, Aldermen, and Common Council shall appoint” (*Brockville Recorder* November 16, 1830). The proposal laid out a system that resembles the current day form that municipal government has taken. Henry John Boulton, Attorney General, promoted and defended the model. Brockville was not very far away in Boulton’s vision for an incorporated town, however. In 1818, Boulton married Eliza, daughter of Ephraim Jones, and sister of Jonas and Charles Jones. Further family connections placed Boulton within the centre clique coordinating a plan to incorporate Brockville. In 1804, Charlotte Jones, another of Ephraim Jones’ daughters, had married Levius Peters Sherwood, Henry Sherwood’s father. Boulton was thus Henry Sherwood’s uncle, Sherwood being one of the main men tasked with drawing up the petition to incorporate Brockville as we have seen. With a nephew and a brother-in-law in Brockville, as well as his position as Attorney General, Boulton had a steady flow of information concerning proposals to incorporate and likely would have known of the details within the proposal for an elective police coming from Brockville.

Boulton, the Jones, the Sherwoods, the Buells and Malloch represented an ‘established’ group, historically occupying high ranking political and economic positions. These were individuals with political and family ties, individuals who would close ranks to protect one another when required to do so. That protective reflex, the instinctual drive to protect the group’s authority and claim to superiority was tested and put to use when Orangemen, loosely led by Ogle R. Gowan within the province, entered into the figuration of Upper Canadian politics (Akenson, 1986). The proposals for incorporating towns, including the proposal to incorporate Brockville, occurred in a period in Upper Canada where an ‘outsider’ set of individuals attempted to gain access to high ranking posts and gain the prestige associated with administrative appointments. The platform created by the proposal to incorporate Brockville opened a space for the display of oppositional politics, showcasing the emerging tensions between those who wished to retain rank and those who threatened to take it: between the ‘established’ and the ‘outsiders’, to continue with Norbert Elias’ (1994) stylization. The existence and performance of that confrontation spilled over into a set of developments in the proposal to incorporate Brockville, characterised by the addition of Ogle R. Gowan and some of his Orange Lodge members in drafting a counter petition, carrying counter claims on how best to govern through police.

With the death of George IV, the provincial parliament was dissolved on September 8, 1830. The Brockville market and police bill was thus brought back into the Assembly when it resumed in January 1831. Fittingly, it was Henry Jones, Charles Jones’ cousin, long-time resident and representative for Brockville, who introduced the police

bill into the Assembly on January 24th. Almost instantly, inhabitants of Brockville expressed anxiety over the contents of the bill being read in York. Fear of a bill being passed that did not reflect certain visions for a police fuelled a group of individuals to organize a meeting in protest. James Gray, “a Gowan Henchman” (Anderson, 1996: 119) who would less than a month later enter into a public feud with the town’s first president and established moderate Tory, Daniel Jones, chaired the meeting alongside acting secretary Philip S. Musson, the deputy grand treasurer for the Grand Orange Lodge of Canada. As far as political rivalries go, the petition of 1831 had the potential of igniting a conflagration. It pitted competing established Tory families against the supporters of Ogle R. Gowan’s, often violent, Orange politics. The petition carried weight, probably with some punches along the way.

The appeals presented within the petition departed from previous petitions and the bill floating through the Assembly in several ways. First, the petition claimed that the inhabitants wanted no police in the town, “unless its Members are elected annually by the inhabitants” (*Brockville Recorder* January 27, 1831). Further, the most contentious aspect of the proposal sent to the Assembly was to suggest elections based on the ballot (secret) principle. Although not thought of much since 1874, in the 1830’s one voted by public proclamation. The proposal was essentially a critique of this open (public) model of voting at elections, which was implied in the proposed bill. Both Gray and Musson had been in Upper Canada for some time and had probably been witness to the type of Irish politics coming from Orange Lodge members, a type of political activity that usually included disturbing polling stations to gain electoral advantage. Advocating against the

secret ballot was a problematization of the practices that frequently occurred at polling stations: intimidation, assault, bribery and so forth. Having a secret ballot carried the potential to eliminate at least some of the nefarious outcomes associated with the act of voting. It carried a certain politico-moral quality that was, if the pages of the *Brockville Recorder* and *Brockville Gazette* are any indication, relatively well accepted by the leading political classes. Electoral politics were to be a set of routine and predictable practices, not the rowdy, erratic occurrences that characterized most of Brockville's elections in the late 1820's and early 1830's. On the other hand, secret voting was also a way to secure employment or a position within the board of police regardless of political alliance. This second strategic element becomes lost if we focus solely on the democratic merit of secret ballots. As strategy, a system based on secret ballots was a way to separate electoral practice from political discourse, and to advance personal interest. The president and elected board members would be less able to judge one's merits based on patronage at the polls. The proposal, fundamentally, problematized a politically inspired mode of rule. Members of the board of police were proposed to be non-partisan, or at least a little less overtly partisan- a theme that was extended within Weber's rationalized bureaucracies, and remains an obsession for the field of public administration well into the twenty-first century³⁶.

³⁶ At the time of writing, a fascinating inquiry into the inner workings of provincial and municipal administration in Quebec is underway. A provincial commission of inquiry led by France Charbonneau, officially styled as *la Commission d'enquête sur l'octroi et la gestion des contrats publics dans l'industrie de la construction*, or 'The Charbonneau Commission', has produced

The second departure argued against the separation of the town into two wards; until then the territorial division carried a proposal to elect four Ward members to the board. The petition claimed that a boundary division would create undue sectionalism in an already sectionalized town, a situation that Orange, Reform and Tory advocates knew well. William Buell Jr., a known Reformer and son of William Buell Sr. who had large land holdings in the town, would later present the resolutions in the house of Assembly. Buell claimed, “not to comprehend” the objection to dividing the town and that it “did not appear to be a matter of much importance”. He conceded however, that it was “a desirable measure” inasmuch as the inhabitants themselves wished it (*Brockville Recorder* February 10, 1831). Buell knew that the stakes were relatively high. Allowing entitled inhabitants the opportunity of voting for any representative, regardless of the side of town on which they lived, was a critique of including electoral guarantees in the police bill. The proposed East Ward rallied principally for a Tory platform, whereas the West Ward was divided among both Reformers and Tories. This carried the possible effect of having three Tory board members elected out of four; a clear majority win over Reformers. Allowing Reformers to vote against Tories across town could cause a split.

mountains of evidence spurred by allegations of corruption and fraudulent political party funding throughout the province. The whole process compares to the Provincial Commission of Inquiry into the operations of the city of Toronto in 1841. Partisanship, governing too close or governing the ‘wrong way’ has been a ‘hot topic’ for a while it seems. In 1841 the charge was that the “City Officers appear to be so closely identified with the Magistrates on the Bench, and the whole machinery of justice so completely monopolized in the same hands, that it would be impossible for the most immaculate body of men in the capacity of Magistrates, to avoid imputations engendered by the doubts, the cavils, and the want of confidence which such a system must infallibly entail”. In 2013, the charge appears to be that city officers are too closely tied to private businesses. It will be interesting to see how much more ‘separated’ a city official must become.

Tory rule was threatened under a united proposal, something both Gray and Musson would continually battle to attain.

Third, Gray and Musson's petition proposed setting a £150 maximum tax levy, arguing the proposed £450 levy excessive. The tax amount was symbiotically linked to the request to have an elected police: taxing and governing went hand-in-hand in this case. The petition invited the Assembly to "perceive how very unpleasant it must be to [the inhabitants'] feelings and dangerous to their interests to be taxed and governed by persons not chosen by them" (*Brockville Recorder* January 27, 1831). Being taxed and being governed were also potentially stressful, anxiety-causing as the petition labelled it. That the petition repeatedly stressed the expected emotional response from a form of rule based on a police model must not be written off and I return to this aspect of governing through police in chapter four.

On the face of it, this request appears to be strongly advocating a representative function for the police: a desire to be governed by men of one's choice. To arrive at this position, one would have to place the petition within a sustained historical narrative engrossed in a supposed struggle for democratic rule. If however, as I think more desirable, we read the petition as a set of critiques, of problematizations that emerged as a response to changing socio-political contexts, while at the same time also being a particular strategy deployed in a game or struggle for domination, I think we can arrive at very different set of conclusions. The former approach positions historical outcomes as the product of lengthy inevitable, necessary paths. The latter approach accepts contingency, a certain amount of uncertainty, hesitation and failure as hallmarks of

historical processes. It is through such a reading that we are able to carve out an understanding of the resolutions adopted at the meeting headed by Gray, even if some of its proposals failed to be included in the final board of police scheme. The proposals are thus just as interesting as the final bill. In addition to providing some counter arguments, the petition also hints at how the political public sphere to which I have been drawing attention functioned.

Between January 24 and February 2, 1831, the bill and the petition made their way through the Legislative Assembly. Then, on the second reading of the petition drafted by Gray, Christopher Alexander Hagerman, Solicitor General, voiced his disavowal of the process, stating, “petitions were easily got up, and when people were interested, they were not always the most proper judges of what concerned the public welfare” (*Brockville Recorder* February 10, 1831). Here we have an instance of an attempt to limit access to the public sphere and to regulate speech. These aspects will crop up again and again: the problem of who can speak and the conditions upon which one is granted freedom to speak. For now what is important to signal is that the public sphere that started as a small huddle, had grown to a size that allowed for the intervention by the Solicitor General, albeit in an attempt to limit access to it. The practice of petitioning carried the potential to arouse political sentimentalities, especially when linked to the location of a public market.

Later in the 1831 session, Buell and Howard, sensing that the bill would pass the Assembly’s third reading without provisions advancing or helping the Reform cause, attempted to amend certain aspects of it to no avail. The first amendment to be denied by

the Assembly concerned the placement of the market. It will be remembered that the original petition requesting a police included a provision to establish a market in a specified location in the town, a product of influential Tory musings. Buell, seconded by Howard, wished for the addition of, “or such other place as the first town council elected under the provisions of this bill shall select” (Upper Canada, House of Assembly, 1831: 49). This amendment was targeted at the market location, attempting to withhold influence from Tory members who had personal interests in the location of the market. Where the market ought to be located triggered a series of alternating attacks. Reformers attacked Tories for wishing to gain from the market location and Tories attacked Reformers, claiming the same. Tories attacked Tories, arguing that the two competing Jones’ had land that stood to increase in value if the market was built on a particular side of town rather than the other. Naming a location, and the alternative of not naming a location, for the market received critique and personal interests abounded (See for example *Brockville Recorder* February 17, 1831).

The second amendment proposed by Buell and Howard in the Assembly was to add the words, “by ballot” to the elective clause, signalling Buell’s political leanings on the contested issue of secret voting. This issue raised significantly less attention; it was standard procedure for elections to occur in a public forum. Buell, facing critique for his other proposed amendments and contestations, decided not to fight that battle. He had dropped the issue almost completely by the end of February. The atmosphere of contestation did not prevent the police bill from advancing through the official channels, however, being sent to the Council on February 15, 1831 and then referred to a select

committee composed of James Gordon and Augustus Baldwin (Upper Canada, Legislative Council, 1831: 51). Not long after, a bill proposing to establish an elective police and municipal council in Kingston was added to the select committee's agenda at the same time George Herchmer Markland was added as a member of that committee (Upper Canada, Legislative Council, 1831: 62). Meanwhile in Brockville, anxiety and frustration over the police bill continued to grow. An assembly of inhabitants once again formed, appointing James Gray to the chair a second time, while W. M. Hynes took the place of the secretary (*Brockville Recorder* February 24, 1831).

This new round of meetings repeated old demands: limit the maximum assessment amount to £150; introduce secret ballot voting; let the inhabitants decide on the location of a market; keep the town intact for the purposes of electing board members by not dividing the town into separate wards. A petition was drafted and sent to the Lieutenant Governor, requesting to stay Royal assent of the bill that passed the Assembly and was working its way through the Council. Intervention from the Lieutenant Governor was not required, however. The bill died in Council following the select committee's report. A brief look at what reasons the committee relied upon to justify its dismissal of the bill is warranted, as this served to shape the future proposals for incorporation.

On March 7, 1831, Gordon, on behalf of the Council's select committee and without Markland present, delivered the results of their investigation into the Brockville incorporation bill. The committee observed that, "after making provision for the election of the said President and Board, which provision is in many respects objectionable; the Bill proceeds to vest in the said Board powers not heretofore contained in any of the

Police regulations of any Town in this Province” (Upper Canada, Legislative Council, 1831: 79-80). The uniqueness of the bill included, “a higher power of assessing the inhabitants of the said Town”, a characteristic of the bill that had been repeatedly contested. However, the committee’s report also reveals another characteristic of the bill not previously problematized, namely, “the power of taking possession of property by arbitration for the purpose of laying out and widening Streets, without the consent of the proprietors” (Upper Canada, Legislative Council, 1831: 79-80). I have been unable to locate a copy of the draft bill that the Council’s committee would have reviewed; therefore we must rely on Gordon’s word that there was a provision proposing to enable the board to expropriate land for public use, such as streets. With at least these two overriding problems, the committee concluded that, “considering the wide departure from provisions usually contained in the Police Acts of this Province, and the summary powers vested in the corporate body erected by the said Bill, the effect of which would be to establish a new system requiring much consideration, [we] cannot recommend the adoption of the present measure” (Upper Canada, Legislative Council, 1831: 80). The proposal had produced something too new, too imposing and would have had the effect of governing too much in the eyes of the committee. If the Council was to approve a bill incorporating Brockville, a re-design was necessary.

Beginning in November of 1831, a series of public meetings were called for the purpose of discussing the viability of incorporating Brockville and establishing a police.

The discussions focused on how to gain the Council's approval, taking the Assembly's approbation for granted. At a meeting held at David Mair's³⁷ Inn on November 5, 1831, a series of resolutions were passed which later formed into a petition (*Brockville Recorder* November 17, 1831). The tenets of the petition repeated the desire for an elected police in Brockville. The first resolution repeated the mantra that the inhabitants would rather have no police, than an appointed police. Second, elections ought to occur via secret ballot. Third, elections for members of the police ought to occur without any division into wards. Fourth, the location of the market ought to be left to the decision of the electors, or at least to the elected members of the police. Fifth, the maximum amount assessed in any one year ought not exceed £150, "as a larger sum might be felt as burdensome upon the people" (*Brockville Recorder* November 17, 1831). Finally, statute labour ought to occur as prescribed by provincial statute, the quantity not changing as a result of an elected board of police. While those proposals were being circulated in petition form and accumulating signatures, however, Henry Sherwood clashed with Andrew N. Buell on several fronts, most prominently on the ballot principle (see *Brockville Recorder* November 21, 1831 for the complete petition).

³⁷ On April 25, 1834 Mair married Julia Eleanor Buell (née Prévost). Julia Eleanor's mother, Anna Prévost (married to Andrew Prévost) was William Buell's daughter, hence Andrew N. Buell's sister. As such, Mair who had been operating the local inn, which served as a popular political meeting place in Brockville through the 1830's, married William Buell's granddaughter, Andrew N. Buell's niece. Mair was appointed to the board in 1832 and 1833 as pound keeper. Two days before marrying Julia Eleanor Buell he was appointed again to the post of pound keeper, but not for long. The following year, he was elected councillor in the West Ward. Mair would collaborate with Joseph K. Hartwell on a number of projects and I document some of their collaborative work during the 1830's in later chapters.

Sherwood had attended the public meeting of November 5, voicing his concerns and his desire not to have a ballot imposed on the selection process. His attempts to sway the audience had failed, the meeting voting in majority for the resolutions proposed by Buell and other Reformers. Buell, as editor of the *Brockville Recorder*, effectually controlled which point of view was then reproduced in the town's principal newspaper. As such, a selective discourse advocating certain doctrines emerged in print. Perhaps as a reaction to this situation, perhaps out of political necessity, a counter petition, advocating Sherwood's ideas emerged. This petition had not been crafted following a public meeting, and was being circulated for signatures in relative secrecy. The strategy was to thwart the decision of the public meeting, attempting to gain more signatures and hence political legitimacy. It was "sly and cunning" according to the *Recorder*; petitions ought to be judged by the public in an open forum. As such, The *Recorder* sent an important message to its readers, "we caution our towns-people against signing petitions not adopted openly & fairly at a public meeting" (*Brockville Recorder* November 17, 1831). Controlling the flow of petitions by delineating and differentiating between 'proper' and 'cunning' avenues to gain support was an essential tactic in advancing a vision of how best to govern Brockville. The petition advancing Sherwood's vision for a police never made it to the Assembly: it did not have to.

A draft bill was introduced into the Assembly in late November and referred to a select committee. Amendments were made and the bill quickly advanced through the required readings. The bill was read for a third time, and carried by a majority of sixteen, on December 16, 1831, outstandingly quick considering the trajectory of the first failed

bill within the Assembly earlier in the year³⁸. The bill that made it through the Assembly, however, was crafted to appease the Council, not the petitioners who gathered at Mair's Inn in early November. The bill sent to the Council contained no provision for a ballot election and separated the town into wards, two points which William Buell attempted to amend, again to no avail. Once within the Council, the draft bill continued to advance rapidly, being sent to a select committee composed of Baldwin and James Crooks on December 19, 1831 (Upper Canada, Legislative Council, 1832: 34). This time, the select committee accepted the draft bill. Baldwin summed up its decision on December 20, 1831. Reaffirming the uniqueness of the proposal, Baldwin stated that, "notwithstanding the said Bill vests in the said Board, powers not heretofore contained in any of the Police regulations of any Town in this Province, still your Committee are of opinion, that the said powers are not too extensive" (Upper Canada, Legislative Council, 1832: 37). The bill that the committee received had been sufficiently toned down to satisfy the Council's anxiety of governing too much, of investing powers to the board of police that no other similar body carried. The bill did propose an elected form of local government, which did not seem to pose a problem either. Baldwin stated that, "for the internal regulation of Towns, the principle established by the said Bill, of electing the Officers of the said Police is better calculated to give satisfaction to the inhabitants thereof, and to insure a

³⁸ Members of the Assembly voting against the bill were: Bidwell, Buell, Campbell, Cook, Howard, Ketchum, Perry, Robin, Shaver and Werden. Voting for the bill were the Solicitor General Christopher Hagerman, the Attorney General Henry Bolton, Berczy, George Boulton, Brown, Chisholm, Clark, Crooks, Elliott, Alexander Fraser, Richard Fraser, Ingersoll, Jones, Lewis, Archibald Macdonald, McMartin Macnab, Maçon, Morris, Mount, Randal, Robinson, Samson, Shads, Thomson, VanKoughnet.

due discharge of the duties of the respective offices than the principle that has hitherto been adopted, and cannot, in the opinion of your Committee, be productive of any injury, either in a general or local point of view” (Upper Canada, Legislative Council, 1832: 37). Electing officers was thus seen as a calculated strategy to obtain the consent, and legitimacy required to govern. Unsurprisingly, Baldwin made no mention of voting by ballot. That is because the bill contained no mention of adapting the method of selecting an officer during elections. The bill further appeased the Council by omitting “any provision for the establishment of a market in the said Town”. It went further, however, by restricting “the said Board of Police from any interference in establishing the same”. The problem of where a market was to be located in Brockville, and who could participate in deciding its location, was essentially shifted to another time and another set of actors: issue avoidance regardless of what petitioners had proposed. The committee did address one aspect that had been contentious during the petitioning phase: the maximum assessment amount.

Concerning the assessment amount that the board could collect, the committee reported that the bill proposed “a higher power of assessing the inhabitants of the said Town, than is now by law provided” while reducing “the amount which the said Police are authorised to levy much lower than the sum to which they were limited by the Bill upon which the aforesaid report was made, so much lower indeed, that so far as Your Committee possess the means of information, the amount established by the present Bill will afford general satisfaction to the inhabitants of the said Town” (Upper Canada, Legislative Council, 1832: 37). While no amount was given in the committee’s report, the

subsequent bill that was adopted set a maximum individual assessment amount, departing from previous debates concerning how much the police could assess the town as a whole. The second major change in the draft bill concerned the process of expropriating land. The previous draft bill had granted arbitrators, who were to be appointed by the board, the authority to assess claims and damages accrued as a result of the board expropriating land for public use. Part of this process included an evaluation of the expected increase in land value relative to the enhancements proposed. The theory was that if a street was built near one's property, the value of that land would increase and as such, damages to be paid for expropriating a portion of that land would necessarily take that into account. The updated draft bill removed that capacity from the board: it could not assess the amount of damages it would pay out through appointed arbitrators. A grey area replaced the circularity of the first proposal in the second; the problem of assessing increases in land value remained to be determined upon expropriation. The committee, however, was reasonably satisfied with the draft bill, reiterating that, "the rapid increase of population in the said Town of Brockville, and its growing prosperity require some Police establishment" (Upper Canada, Legislative Council, 1832: 37).

While a number of commentators of that time agreed that *some* measure was required to govern local affairs more effectually, there was little agreement about how that measure would look in practice and much less about the unintended consequences that a proposal could carry. Incorporation was thus proposed as a way to advance the material prosperity of towns, strengthening the relative capacity that a police could wield. Meanwhile, proposals to incorporate Brockville had the effect of bringing a petitioning

public into being. As I have shown, this public was formed out of the collective, although not consensual, actions of individuals, reinforcing the ‘collectivizing’ discourse that incorporation carried during the 1830’s. The effect of incorporation was that ‘the social’ became imagined and imaginable as being constituted of a multitude of individuals, who were envisioned to be acting in relative unison and seeking something called the ‘public good’. Incorporated entities and associations, of which boards of police were but one form, were granted state authority to regulate their internal affairs, enacting and enforcing various regulatory projects to ensure their practical operation. Once individuals were required to collaborate and form into collectives, behaviours and ways of living also needed to be delineated and regularized. As such, the collective logic of incorporation was cast upon an idea of ‘the social’, a sphere which came to be seen as requiring regulatory projects to function smoothly. Petitioning, incorporation, police and regulatory projects thus defined the form that local government was taking in the early 1830’s, Brockville’s board of police being an exemplary case of how these elements interacted and came together. For the people of Brockville who had attended public meetings and signed petitions during the early 1830’s, exactly what form their appeal for an incorporated town would take was still unclear. The next chapter presents what incorporation on paper and in practice looked like. It will become clear that some of the initial wishes were not included in the Act of incorporation, while others were vaguely spelled out; the project of creating a new political space, upon which select forms of sociability and expressions of etiquette could be deployed, gained juridical sanction through the passing of the Act of incorporation.

3 Tracing the Practices of Incorporated Rule

This chapter seeks to untangle what the incorporated board of police did, in practical terms. On a most basic level, the board, as an entity, met. It was through meetings that various board members and officers gathered, decided on avenues for action and debated strategies to attain particular ends. Through a close reading of the board's meeting minutes, we can glean some perspective into the activities of the board convened during its meetings. The minute books detail more, however. Through the documented actions of the board, we learn how the corporation sought to govern the territory under its control. The stories of who appeared before the board of police for a breach of an ordinance, to answer questions or to provide evidence, are telling of what kinds of actions and behaviours were to be curtailed, or promoted, within the newly incorporated town. All too often analysts have presented the activities of municipal government along an arbitrary line that separates out agents' actions and ambitions as agency (resisting domination) or they present a vision that the institution of government served principally a social control function. To address this limitation, I continue with the method adopted in the second chapter that pays close attention to the individuals and groups who come into contact with the institution of the board of police. By focusing on both those who are official agents of the board, as well as those who fall under their rule, I document the overlapping and contentious associations that characterized Brockville as an incorporated town. Through this type of approach we may, I think, shed light on the

ways in which newly-incorporated towns sought to govern accompanying newly-created politicized spaces and regulate standards of conduct to be found therein.

The chapter is divided into several sections. The first section outlines the Act of incorporation as it appeared ‘on the books’, detailing some of its idiosyncrasies and highlighting the powers that the board of police were granted by the Legislature. The focus of the second section is on ‘the hearing’, a quasi-judicial forum created by the board to adjudicate contraventions to the corporation’s ordinances as well as to attend to matters related to the municipal assessment. Hearings typically occurred during the board’s meetings, placing elected members of the board in contact with townsfolk: a hybrid point of contact between agents and the machinery of municipal rule. The subsequent sections are a thematic presentation of the board’s regulatory projects. I focus on how the board made visible and tangible a variety of relations, associations, practices and behaviours that then were governed through the activities and regulations of the corporation. It is by focusing on the targets of regulatory projects that we can make sense of how the board sought to govern the political space created by its incorporation. I have chosen to include narratives that detail the ways in which the board governed externally, targeting those who were not members or officers of the board, as well as internally, seeking to structure the activities of members and officers.

3.1 Incorporation ‘On the Books’

On January 21, 1832, after having received the recommendation from Baldwin, the Council read the Brockville police bill a third time. Council passed the bill on January 28, 1832, ending more than two years of petitioning and public deliberations (see appendix B for the Act). Officially styled as *An Act to Establish a Police in the Town of Brockville, in the District of Johnstown*, the Act established an incorporated board of police, declared the board a body corporate and politic, in fact and in law. As an incorporated entity, the board held perpetual succession, could sue and be sued, hold a common seal and could purchase and sell land at its pleasure. Beyond these basic legal principles, the Act contained twenty-six privileges and obligations that were fundamental to the operations of the board of police. Paramount about how the board was to conduct its business, as an incorporated entity, was the processes of selecting its board members, both those elected and those appointed.

The Act separated the town into two wards, East and West. Each ward had two elected members, similar to councillors. These four members would appoint a fifth, at their discretion. If they could not come to a decision, the inhabitants would vote for a fifth member. The five members would then appoint a president from amongst themselves, this person acted in a fashion similar to a mayor. Certain qualifications were required to participate in this elective function: male householders, or tenants who had paid a minimum of £2 in rent for the previous year, could be elected. Householders, or tenants who had paid a minimum of three months rent at a minimum sum of £3 annually, could vote. Only males could participate in this venture, women could not vote, nor could women be elected a member of the board. Each step of the election process was

meticulously spelled out in the Act. Elections were held yearly. As such, the entire board could change year to year at prescribed times. The first Monday in April was reserved for ward elections, eight days later the fifth member was to be chosen or elected, six days later the board was to sit to choose other members and so forth. The Act established a regular, predictable rhythm to local administration and politics, and each step was to be published in local newspapers and announced via handbills and flyers across town.

Once the board had a president and four councillors, its task was to appoint a variety of individuals to fill certain posts as officers of the board. One of the most important, as it was almost always filled first and had an interesting relationship to the board, was the clerk. The clerk was responsible for recording the board's meeting minutes as well as all of the corporation's financial transactions. The clerk was also tasked with informing officers of the board of decisions that affected them. The president could order that the clerk request an officer to produce a report or appear at a future meeting, for example. In a similar line of command, the president could order the clerk ensure that an officer's report be tabled at a future meeting³⁹. The clerk was thus much more than a scribe, serving as bridge between the official commands emanating from the president, officers of the board of police and the corporation's meeting arrangements. It

³⁹ While there are several instances where an officer of the corporation did not comply with an order to produce a report, the clerk was not held accountable for the failure. Either the clerks appointed to the board were all very conscientious of their duty to inform officers of the board of requests, or there was an additional, more informal mechanism working behind the scenes than was recorded within the corporation's meeting minutes: the informal aspects of nineteenth century bureaucracies requiring yet another thesis to tackle.

was an administrative duty that ensured fluidity within the board's proceedings. As such, the board dismissed several clerks for underperforming or neglecting some of their duties entirely; usually it was the mundane scribing portion of the post that was neglected by clerks (see appendix C for several examples).

After the clerk, the board would typically appoint a street surveyor, a treasurer, a high constable, an assessor, a collector, a bailiff for each ward, a pound-keeper for each ward, some constables and special constables and a fire captain. In total the board would habitually appoint about fifteen persons, making an active bureaucracy of around 20 for a population of approximately 1,130⁴⁰. The Act did not limit the board to how many, or how few, appointed members could be selected. As will be seen in later sections, in some

⁴⁰ This number was given on September 9, 1830, by James Jessup, clerk of the peace in the District of Johnstown, to the Assembly as a return of population (Upper Canada, House of Assembly, 1831: 51). During the 1830's, Brockville had a mass of transient individuals as well. Travelling between towns by cart or landing at Brockville by boat, individuals would have occupied various inns or had had alternative arrangements. Brockville was also the seat of the District courthouse and gaol, another source of transitory movements of persons. How many people were actually in Brockville at any given moment was dependent on the season (sending goods to markets through Brockville's port) and the circumstances (winter roads permitted smooth travel, while bumpy summer roads could be bone jarring). An 1830 census, completed by Samuel Nesmark and Henry Bogert, also reveals that some Brockvillians had large amounts of people under their care (Ontario Archives, F-1518, MS 2548). For example, James Morgan had 31 individuals 'under his care', likely labourers in part. Joshua Reynolds and Samuel Reynolds were listed as having 40 individuals between the two. Paul Glasford and William Haynes were listed as having 17 and 16 respectfully. Only the names of householders or renters were listed, columns of numbers within categories (male over 16; male under 16; female over 16; female under 16) form the rest of the document: a brute tabulation probably crafted to show that Brockville had met the requirement of a population of 1,000 and could thus send a representative to the Assembly. A comparison of the board's meeting minutes and the 1830 census reveals that those who appeared before the board, either to supply information, table a request or for breach of an ordinance, were generally accounted for by name within the census, with two instances of 'outsiders' being brought before the board for a breach: a speeding traveller and a zealous boat captain who rang his bell on the Sabbath. The captain escaped reprisal while the traveller was made an example of.

years, the board appointed more than 80 individuals to serve as officers⁴¹. The more striking aspect of the Act incorporating the board of police, however, is found in sections XI and XII, the sections that outlined the powers granted to the board.

Section XI enabled the board to, “established such ordinances, by-laws and regulations, as they may think reasonable in the said Town”. It allowed the board to “regulate and License Victualing-houses and Ordinaries...to regulate Wharves and Quays; to regulate the weighing of Hay, measuring of Wood; to regulate Carts and Carman; to regulate Slaughter-houses; to prevent the firing of any guns, Muskets, Pistols, Squibs and fire balls, or injuring or destroying Trees planted or growing for shade or ornament”. Section XI also granted the board the ability to “prevent the pulling down or defacing of Sign-boards, or inscribing or drawing any indecent words, figures or pictures, on any building, wall, fence or other public place”. The section’s main purpose was to allow the board to “generally prevent vice and preserve good order”, allowing the board the authority to “enter into and examine all dwelling-houses, Ware-houses, Shops, Yards and out-houses, to ascertain whether any such places are in a dangerous state with respect to fires, and to direct them to be put into a safe and secure condition”⁴². In order to accomplish this goal of suppressing fires, the board was granted the powers to “appoint and remove Fire Men; to make such rules and by-laws as may be thought expedient for

⁴¹ This number includes members of the fire brigade, all appointed officers including a number of ‘special constables’ and elected members. The expanded count may be why it appears striking.

⁴² For the use of the concept of ‘dangerous’, rather than the concept of ‘risk’, which would be likely used today to speak of a category of persons and situations backed by statistical categorizations and actuarial probability, see Castel (1991).

the conduct of such Fire Companies as may be raised with the sanction of the said Corporation”. Beyond organising the functional institutions that were tasked with suppressing fire, the Act sanctioned the board to “compel any person to aid in the extinguishment of any Fire; to require the Inhabitants to provide and keep fire-buckets and scuttles, and ladders to their houses”. The Act also facilitated the board’s role of regulating mobility within the city, granting the board the ability to “stop, or authorize any other person to stop, any one riding or driving immoderately in any Street; or riding or driving on any Side-walk, or to inflict fines for any such offence”. The board was also given authorization to force inhabitants, upon penalty of a fine, to “prevent and abate and remove any nuisances; to restrain and prevent any horses, cattle or swine, from running at large; to prevent and remove encroachments in any Street”. Detecting contraventions to municipal by-laws soon became one of the board’s main activities; the economic stakes for the actors involved were relatively high.

Non-observance of any of the board’s by-laws or ordinances could be met with a fine, the Act limiting the amount to be imposed to £1.10s, plus costs to be determined at the board’s discretion. If a fine could not be paid in full, the board reserved the authority to recover the amount due to it through a seizure of goods and chattels. In default of material means to repay a fine, the Act stipulated that, “the offender shall be liable to be committed to the Common Gaol of the District for a time not exceeding one Month, in the discretion of the said Corporation”. The District gaol was in Brockville, and often served as the site of the board’s hearings: debtors had only to cross the hall to serve their sentence for an unpaid fine.

The board also reserved the authority, through the appointment of a collector, to obtain a warrant from a Justice of the Peace to seize, and proceed to sell, goods and chattels of a person refusing to pay their assessment amount. The assessment rate was not to exceed two pence on the pound, exclusive of the sums collected for any other assessment in the province. The sums of money collected by the board, either through fines or assessments, were to be used to provide for the purchase of “any Real Estate for the use of the said Town, to procure Fire-Engines, Aqueducts, and a supply of pure and wholesome water; for lighting, paving, flagging and repairing the Streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town”. Material advancement meant taxation and collecting fine money, two revenue streams open to the board. A third revenue stream was available through the licensing function played by the board. Licenses to sell groceries, meat, fish, poultry, butter, eggs and alcohol were a sure, albeit small, source of income. The Act did not limit the maximum amount to be imposed for licenses, a grey area that enabled the board to set fees as it saw fit. A second grey area was the ability of the board to amass debt through loans, an aspect of the Act that would later reveal tensions between board members. Finally, the Act prescribed that public works projects be funded through income, leaving open the question if the board could run a deficit.

From specific sets of authorities to grey areas vaguely defined, the Act of incorporation provided the foundation for the main activities of the board of police. How can we begin to make sense of the Act of incorporation with regard to local political participation? Engin F. Isin (1992), for example, argues that boards of police were

established with the design of restricting popular political participation. Electoral franchises and minimum assessment values restricted voting and participating in the board's activities. This, according to Isin, "demonstrate[s] the calculated restrictions that were put upon participation in town politics" (113). As such, Isin wants to advance the notion that modern, incorporated cities were founded with the preconceived strategy of limiting political participation. Isin sustains this argument by looking at the interaction between state and local level administrative units, the second characteristic of incorporation.

Boards of police, Isin (1992) argues, were essentially state administrative machines. Although boards had the capacity to create and enforce local regulations, they were confined to the legal limitations imposed on them by the province of Upper Canada through Acts, incorporation being one avenue. Boards of police, then, were fundamentally "constituted so as to make them accept the delegated powers of the State; and, by empowering a qualified elite to govern through taxation, these communities also relieved the State of the costs of governance" (Isin, 1992: 114). Isin's assessment of delegated administrative responsibilities runs somewhat parallel to a Foucaudian preoccupation with 'governing at a distance', or 'governing through cities' as Isin would style it (115). I am sympathetic to his insistence that local administrative units were part of a larger process of state formation, but remain unconvinced of the foundations of his critical observations concerning local political participation. If we understand town politics as being limited to institutionalized voting, than Isin's argument may hold weight. However, politics of the nineteenth century town/city included much more than

yearly voting. The Act of incorporation, while limiting, also possessed productive capabilities: it limited while at the same time opening avenues for creation. In this way, it was not the deployment of a form of sovereign power attempting to rule through force, but rather a form of governing through constrained freedom, an attempt to “structure the possible field of action” (Foucault, 1983: 221). Theoretically, if power is, as Michel Foucault suggests, “always present” (1988: 11) and relational, then looking at how the activities of a small, relatively closely knit group crafted a form of rule based on incorporation is but one step in tracing the patterns of municipal power. What was included in, and excluded from, that apparatus remains an empirical problem that I seek to begin to address. The next sections dive into the multiple ways in which incorporation was put to work in Brockville, starting with an outline of the processes involved in selecting the board’s president and the contours of the corporation’s ‘hearings’.

3.2 ‘Of Presidential Stock’: Selecting the Board’s President

The first elected members of the board of police were sworn in on Thursday April 5, 1832. Representing the East Ward were Jonas Jones and Henry Sherwood, representing the West Ward were Samuel Pennock and John Murphy (Meeting Minutes April 5, 1832). These men occupied a similar function to what we could refer to today as councillors, or alderman. Pursuant to the Act of incorporation, these four collectively were required to choose a fifth. That task, however, was easier said than done. Jones and

Sherwood rallied behind a Tory politics, while Pennock and Murphy were more sympathetic to the Reform cause. In a one-sided letter to the editor of the *Brockville Gazette*, signed by 'Fair Play', Pennock was described as "a man of no talent, a man of no respectability, a man of no judgment! a man who has vilified Gov. Colborne, and all 'the Powers that be', a man who says that Mackenzie has done more good than all the Colborne's that ever lived, a man, in fact, who is opposed to every fine feeling of honor and respectability" (*Brockville Gazette* April 12, 1832). Meanwhile Murphy, 'Fair Play' pointed out, was a person who bore "good character as a neighbour, as a mechanic and as a Christian" but who was "too easily led astray by a *certain party!*". Jones and Sherwood were the 'right' choices, men of 'good character' who possessed honour, integrity, intelligence and who could 'get things done' for the town.

The letter to the editor did more than provide biased background references: it placed the four men in opposition to each other, revealing how political sectionalism characterised the social figuration that would divide the board down the centre. Choosing a fifth member, a task that inherently required consensus, would actually require strategic manoeuvring, a task that 'Fair Play' described as a "moral impossibility". Several steps were thus required.

First, Alexander Morris, a Tory sympathizer, was proposed. Unsurprisingly Pennock and Murphy refused his appointment. There was a possibility that Andrew N. Buell, the Reformer newspaper editor, would be proposed. Buell had been campaigning and had indicated a desire for the position. Pennock and Murphy knew that Jones and Sherwood would never accept him as fifth member, and if one looks at Buell's track

record, it seems he campaigned for almost every position available at the time, so we are left wondering if he was a sincere candidate (MacPherson, 1981). Nonetheless, in a move that Anderson has described as “co-operation” and in “keeping with the Loyalist tradition of orderly compromise” (1996: 119), Daniel Jones, a moderate Tory at the time, was nominated and accepted by both sides. Commentators in both local newspapers expressed, to varying degrees, surprise at Daniel Jones’ nomination. Jonas Jones and Henry Sherwood were vying for the return, by general election, of George Crawford, another hard-line Tory who had gained popular support⁴³. That Pennock and Murphy accepted Daniel Jones’ nomination foiled the Tory plan, the Reformers deciding to take the lesser of the two Tory evils.

The process of nominating a fifth member was only part of appointing a president, and the theory was that Jonas Jones would amass the most support. Again, the opposite occurred as Daniel Jones, who voted for himself as president, gathered the most support. Daniel Jones, who had not been elected by the house-holders or renters of the town, made his way into the presidential seat of local affairs through a failed plot amongst Tories and Reformers. A letter to the editor of the *Brockville Recorder* summed up the situation well, describing Jonas Jones and Sherwood as ‘plotters’ and that Daniel Jones’ “station in society places his character above the necessity of any advocacy from his friends”

⁴³ Jonas Jones had been criticized for occupying multiple public offices simultaneously. It was felt that he could not dedicate the required amount of time to properly carry out all of his duties should he be elected to the Assembly, or presumably to the post of president (*Brockville Recorder* November 3, 1831).

(*Brockville Recorder* April 19, 1832). Daniel Jones, the writer tells us, did not require support to become president: he was of “presidential stock” to begin with. Individual character, political affiliation and tactical craftiness were essential to being selected president of the board. These specificities of selecting a president were repeated almost year after year. Diminishing zeal in the newspapers for chronicling the process reduced the event to occupying just half columns by 1836. Selecting a president was but one step in the process of creating an institutional apparatus for the regulation of the town.

3.3 Adjudicating Discord: On Hearings and Property Assessments

One component of the board’s meeting took the form of a hearing: the hearings were a process where the board investigated supposed breaches of municipal regulations. Much like a court hearing, but without lawyers, these hearings had the potential to place non-board members in direct contact with the president and elected councillors. Cases brought before the board for a breach of an ordinance followed a precise format, specifying at a minimum the charge, the witnesses, the accused and the date and the time of the suspected offence. In at least one case, the charge was quashed for “informality” (Meeting Minutes November 10, 1834). Hearings were also recorded in the meeting book in a relatively standardized format, detailing the name of the accused in brackets under the title “information and complaint against”. The names of witnesses, and the charge, are then found in paragraph form. This format renders it easy to find cases and the names of

accused persons within the meeting book, but difficult to locate the outcome of trials quickly and who was present as witnesses. Interestingly, accused persons had the opportunity to confess to a charge of breaching an ordinance. In these instances, the charge brought about by a witness or an officer was seldom recorded, leaving to the imagination what had occurred⁴⁴.

The format adopted during hearings was one where a witness, a person accusing another of a breach, would give a testimony as evidence of having observed a contravention of a rule. Witnesses need not be members of the board; they were often individuals who were at the right place at the right time to observe someone speeding, riding on the sidewalk or firing a gun within the town. After having given preliminary testimony, under oath⁴⁵, witnesses were then questioned by the president and councillors, who attempted to ascertain that a breach had in fact occurred. Accused persons were then given the opportunity to voice objections, or plead a defence. Often, multiple witnesses came forward, corroborating or contradicting the accounts, increasing the total amount of people, and time, required to hold sessions. Hearings did not always follow such a

⁴⁴ There was a limited number of admissions of guilt on the part of accused, probably due to the custom that an admission led directly to the imposition of a fine and costs, it was probably seen as more beneficial to try one's luck, so to speak. There were four such admissions of guilt in 1832, two in 1833 and just one in both 1834 and 1835 for a total of eight in four years.

⁴⁵ Witnesses had to be sworn in before delivering testimony. Presumably, the oath administered is found on the inside jacket of the minute book for 1832 to 1836. The inscription reads, "the evidence you shall give to the Board of Police forming a complaint against xxx shall be the truth the whole truth and nothing but the truth, so help you God".

smooth trajectory, however. One case in particular is worth detailing, as it speaks to the contours of how the board met and came to decisions during instances of hearings.

On May 24, 1832, the constable appeared before the board and laid a charge against Alexander Grant, the board's prospective fire captain⁴⁶, James Gray, a local Gowan supporter, Daniel S. Turner, the keeper of an inn in Brockville, and James Hubbell, a local physician. The charge was that the men contravened an ordinance that prohibited the firing of guns and canons within the limits of the town (Police Ordinance April 18, 1832). Henry Thornhill was called as a witness to the event, his testimony was expected to corroborate the story presented by the constable. Without such an account, it was thought, the charge would have been dropped and the legitimacy of the constable questioned. Thornhill, however, refused to be sworn, fearing that he might incriminate himself. The board was faced with a two-sided problem. Procedurally, Thornhill needed to be sworn to be eligible to give testimony. If witnesses were fearful of appearing before the board, the process of determining fault, and proceeding to find an individual guilty of a charge, would have been significantly affected. On the other hand, if Thornhill was guilty of breaching an ordinance, using the oath to protect himself against a charge seemed like a highly ineffectual use of the hearing process. What exactly the board said is not recorded. What we know is that through "the persuasive eloquence of the board, he consented" to the oath (*Brockville Gazette* May 31, 1832). Thornhill thus revealed a

⁴⁶ In chapter four, I recount how Grant repeatedly refused appointments to the post of fire captain, accepting for short stints then resigning.

potentially prickly issue pertaining to the oath. Furthermore, his simple answer of ‘no’ when queried if Grant had fired a canon, added to the spectacle of the board’s hearing. Grant was not charged with a breach (Meeting Minutes May 24, 1832). The hearing also revealed other interesting facets of how the board operated and sought to regulate town affairs.

Gray was next in line to answer to the board on the charge of firing a canon within the limits of the town. Thornhill produced the same evidence, denying the occurrence. Gray also denied the breach, showing that he was “indignant at being brought up for such a nonsensical act” (*Brockville Gazette* May 31, 1832). Further, Gray wished to interrogate his accuser, the constable. The board flatly denied this request; it was not the ‘proper’ place of the accused to ask questions during a hearing. Gray continued to protest, a characteristic of his dealings with the board. He charged that if he had fired a canon in honour of the president of the United States, or to celebrate July 4, no charge would have been laid. He was “admonished for using such language in the presence of the Board” (*Brockville Recorder* May 31, 1832). Gray, too, was discharged (Meeting Minutes May 24, 1832). Turner denied the charge, and at that point not very much could be recovered in the constable’s favour: Turner had no fine to pay either (Meeting Minutes May 24, 1832).

Hubbell was the last of the gang to appear before the board for questioning. Upon being called, the board asked if he had been summoned. Hubbell replied that he had not. John Price, the board’s zealous constable, was then requested to confirm that he had in fact summoned Hubbell to the hearing. The *Brockville Gazette* provided a sketch of the

ensuing events, which is worth quoting at length as it demonstrates the disorganized and chaotic nature of the board's hearings, as well as how they were chronicled at that time:

the Clerk in handing him [Price] the original, or a copy of the original summons, having so many lying before him, inadvertently handed him the wrong one, which we believe the President discovered: but the distortions of the countenance, and other indications shown by the tenacious constable, plainly showed that his honor had been assailed by such a barefaced act. We really felt for Mr. H. Sherwood, for at this time everything was in a state of confusion, the Constable indignantly repulsing such an attempt to injure his character, by gesticulation and hard language, the President in his mild persuasive manner, trying to appease him, Mr. H. Sherwood commanding and demanding, and it was some time before the fellow could be convinced that it was a mistake. In fact, the whole proceeding well justified the following extemporaneous lines by a gentleman present: Police Laws!-Lord what a mock, / So twisting, crude, and undefined, / That if a man but crack a joke, / He's on a twinkling, 'Dollar Fined'.

Brockville Recorder May 31, 1832

Once Price had sorted out that he was not being attacked and that Hubbell had, in fact, been properly summoned, the trial resumed.

Hubbell denied firing a canon in contravention to an ordinance, which was no surprise. Thornhill was then asked to produce evidence once again. He opposed the process of giving an oath a second time, to which Henry Sherwood gave his legal advice concerning oaths and testimony. Sherwood reassured Thornhill that he did not have to answer any questions that would incriminate himself, and that the questions the board would table would be directed at the events concerning Hubbell. After Thornhill had given his testimony, positively implicating Hubbell in the firing of a canon in salute to a new boat floating down the Saint Lawrence, Hubbell demanded to interrogate his accuser, much like Gray had done previously. This time, Sherwood agreed to the request.

A lengthy debate ensued on the merits and rights of having accused question their accusers within the forum of the board's hearing. Before a verdict could be made, Sherwood stepped in and asked Price how he had known about the firing of the canon. It was revealed that following a conversation with Murphy, Price decided to come forth with his accusation. Price had not directly seen anyone fire the canon, but rather heard the noise of it going off and rushed to see who was standing around its smoking barrel. Price knew the regulations of the town and in this case was initially hesitant to impose a fine on a tradition that had been longstanding. However, in the 'new' incorporated Brockville, the tradition of saluting a vessel's maiden voyage would not be tolerated. At that moment, the politics of the board intertwined with the process of finding guilt.

Jones, as president, had heard enough, and wanted the entire ordeal to be over with. Lamenting that continuing would be of no use, and critiquing the ways his fellow board members were carrying on, he snapped to halt "such frivolous questions". In his opinion "it had been proved that Mr. Hubbell did fire the cannon, and that is enough- it is for us now to say whether the fine shall be mitigated or not" (*Brockville Recorder* May 31, 1832). Jones then put an end to Hubbell's questioning of Price, stating that "it was very improper, and could possible be of no service". Hubbell was then fined 12s 6d, plus costs, for breaching one of the board's ordinances. This case pertains to a charge of breaching an ordinance against several of the town's inhabitants, all whom had differing attachments to party politics but were brought together momentarily in a exercise of truth telling during a hearing. Through this narrative, we can come to appreciate the tension between sectional politics, the board's attempt to regulate 'proper' forms behaviour, and

a practical need to accomplish the advertised purpose of the procedure. The politics of producing truth, which involves the act of truth telling, was structured by the specific form and process that the board's hearings had. The president, seen as captain of the assembly, held the legitimate authority to impose penalties upon those who presented a discourse that ran counter to his liking. In the case just outlined, showing the inner workings of the board, revealing the ways in which a charge actually came about, warranted reprisal. The jurisdiction to mitigate the punishment for speaking the truth, residing within the post of the president, was only symbolically supported by the elected board members, on account of not having a say in the decision. Hearings, along with other board meetings, served to fuel gossip within the community, something that is rendered visible through a close reading of the weekly newspapers. Through channels of gossip, the acts and counteracts that occurred during hearings became known, reinforcing (and variously legitimizing) the board's role as structuring force within the town. Furthermore, much like police courts, appearing half a decade later, hearings and board meetings were the stage for a drama, a spectacle involving local characters.

By the 1870's police courts, such as the one found in Hamilton, were "used to settle disputes within families or between friends and neighbours and to resolve the tensions that resulted when the strains of everyday life erupted into minor incidents of violence" (Katz, Doucet & Stern, 1982: 228). Katz, Doucet and Stern argue that the police courts were used primarily by "ordinary people to deal with private, often domestic problems" (228). This usage had probably not been the design of the founders, for it "burdened the court calendar and added to public expense" (228). The use of the

police court by ‘ordinary people’ for settling private affairs, observe the authors, continued throughout the later nineteenth century “in ways that contradicted or at least fit uneasily with official objectives” (229). Hamilton’s police court had become a popular institution, regarded as a site of theatrical display where “magistrates were mediators of popular life and participants in popular drama” (229). The board’s hearings were the infant development of this trend, a form of crude justice put on for partial public display. A second preoccupation that was addressed during the forum of the hearing concerned the municipal assessment.

The board, in its capacity to leverage tax money from residents, played the role of determining if assessments had been properly carried out⁴⁷. The assessor, receiving a modest salary, habitually carried out the task of assessment verification and inspection on behalf of the corporation; bringing a complaint against someone who had brought an improper assessment to the attention of the board could be accomplished by anyone. The board also regularly received requests to mitigate assessments. These requests were essentially appeals for re-assessment or a bid to have the yearly payment annulled. These pleas came in the form of a petition that had to be sent to the board in writing before being presented formally during a meeting. The first of such petitions, interestingly, came from James Hubbell, the supposed canon-firing dissenter (Meeting Minutes December 13, 1832). The board, rather unceremoniously accepted his arguments that he had been over assessed. The decision to refund Hubbell part of his dues quickly led to others

⁴⁷ The assessment rate for 1832 was set at 2 pence on the pound (Meeting Minutes May 9, 1832)

wishing for such quick form of redress; after all no one enjoys paying more tax than is required. The board, reacting to how it was to handle these adjustments (probably after the money collected had been spent!), began denying petitions for assessment adjustments (Meeting Minutes October 19, 1833). The board also began to summon individuals “who having given the assessor incorrect returns of property liable to be assessed” (Meeting Minutes October 19, 1833).

The repercussions of not having given a ‘proper’ return for property assessment were similar to having contravened an ordinance. Individuals had to appear before the board and plead their case as to why they furnished ‘improper’ accounts. If found guilty of consciously avoiding assessment, a resident could potentially face a penalty, plus having to top up the tax amount due (Meeting Minutes October 26, 1833). While these proceedings were not extraordinary occurrences for the board, they remained relatively infrequent throughout 1832-1833. Petitions to the board for assessment redress, as well as the board’s finding of improperly assessed property, increased in frequency during 1834-1835. The management of the assessment roll was ensured through the board’s continual requests for updates from the assessor. The assessor was to supply punctual information to the board concerning who he had re-assessed, detailing additional revenue that was earned through close inspection. Individuals would also address the board during meetings requesting to be added to the assessment list. Requests to be added to the assessment roll typically occurred a few weeks before municipal elections: having assessable property being a precondition to casting a vote and participating in electoral politics. Beyond the individual desire to cast a ballot, being on the assessment roll and

being taxed was presented as a fundamental characteristic of participating within the corporation. Taxation was a means by which one could participate financially in the collective project of materially developing the town: creating and extending financial associations that passed through the board of police. This link between financial associations and the board of police was also present in how the board sought to regulate the sale of goods within the town's limits.

3.4 Arranging Associations

William T. Matthews observes in the case of local market regulations in nineteenth century Upper Canada, "there was a marked difference between the orderly world expressed in municipal by-laws and the actual functioning of the regulatory system" (1987: 305). That discrepancies existed between "law in practice" and "law on the books" (Valverde, 2003 : 2) is not entirely surprising from a theoretical perspective. The problem of how this played out in Upper Canada remains to be determined in the case of incorporated boards of police during the 1830's. Unfortunately, even as a student of boards of police, Matthews presents an analysis of economic motivations to sustain the claim that a particular class rather than another benefited from regulatory projects. Such a focus leads him to detail instances when "the link between regulation and the needs of the business community" (1987: 313) is most evident. The limitation of such an approach is that it is self-defeating. It constructs regulatory projects as being fashioned by civic elites on the one hand, while on the other proposing that those same regulatory projects were inefficient precisely because of the influence wielded by a small group of entrepreneurs

and business elite. “Special interest groups” (322) made possible the very market regulations that Matthews contends ought to have been based on “honesty and efficiency” (317) to function efficiently. Efficiency in this case refers to “the introduction of quality controls and a standardized system of weights and measures, together with the appointment of market inspectors” (314). While it is true that municipal market controls evolved to include an element of inspection, similar to the educational project mapped by Bruce Curtis (1992) but differing in scale, it is somewhat beside the point to argue that the inspectorate function of market regulation served particular interests rather than others.

Local administrators, much like their state counterparts, requested an increasing amount of information on and of the activities of the town. By nature, inspection serves an interest. In the case of Brockville’s market regulations, it appears to have been an attempt at deterring and detecting fraudulent activity within public spaces of consumption: an anxiety about certain relations and associations that occurred during the trade of consumables. What exactly constitutes an activity worthy of regulation needs to be determined at the site of investigation, inevitably revealing various interests. In my view, the more salient point concerning inspection is that it represents a mechanism to regulate behaviour through compliance, while at the same time producing knowledge that informs future regulatory projects, often in unanticipated ways. Inspection allows associations and activities to be rendered visible and governable; it is a precondition to the development of more or less complex circuits of regulation. Focusing on this problem, the need for information through inspection and the yearning for regulatory

compliance through enforcement would have led Matthews in a different direction than his claim that “the influence wielded by the entrepreneurial class, rather than an altruistic concern on the part of local leaders for what might be termed the common good” (1987: 314) is the legacy of nineteenth century local market regulations. In the case of Brockville, local market regulations were part of a broader attempt to regulate manners and etiquette within the town. Market regulations passed and enforced by the board of police functioned along lines similar to the ways in which the board’s financial transactions were to occur, transactions that transpired between the same ‘class’ of individuals that Matthews has called ‘local leaders’.

Following a four year period after its incorporation in 1832, the board passed more than three hundred individual regulations contained in more than one hundred and thirty ordinances. All of the corporation’s ordinances carried fines for non-compliance⁴⁸. As was seen in chapter 2, the ability to design regulations was granted to the board by section XI of its Act of incorporation, and board members took full advantage of that opportunity (2 William IV C.17). Ordinances crafted pertaining to the sale of consumables sought to regulate economic associations within the town. The board passed ordinances that restricted commercial activity during the Sabbath, obligated individuals to purchase licenses to sell meat, poultry, butter and eggs and required persons seeking to

⁴⁸ Fines entered into the political economy of the material development of the town. Although individually most fines doled out were of relatively small amounts (most less than 30s), when combined with licenses, which were regulated in a similar fashion, they accounted for approximately ten to fifteen percent of the board’s purse.

operate a grocery selling distilled and non-distilled liquors or other provisions to obtain authorization from the board (Police Ordinance April 9, 1832)⁴⁹. In 1832, individuals wishing to obtain a license were required to apply to the board in person⁵⁰ (Meeting Minutes May 2, 1832). In later years, applying for a license required to submit a request in writing first to the board, board members being overwhelmed with applications needed to review prior to rendering a formal decision. What criteria did the board use to grant licenses?

First, it must be noted, individuals had to pay for a license. Although the costs for licenses were relatively small, £2.10s, the fee was due yearly and proved to be prohibitive for at least some individuals during tough economic times, especially during the 1835/6 recession. Second, aspiring grocers had to post bond with the board as a way to prove that they carried ‘sufficient assets’ to operate a public business. In one case, an aspiring applicant who could not secure the necessary funds to post a bond was ordered to present sureties and sign a letter of recognizance, “for the security of the Corporation” in lieu: having the money or providing evidence that one knew people who did were both appropriate ways to persuade the board to grant a license (Meeting Minutes June 9, 1834). Closely linked to this was the board’s attempt to limit those able to sell goods

⁴⁹ For a discussion of liquor licensing see Valverde, 1998; 2003.

⁵⁰ Among the first Brockvillians to obtain a license to keep a grocery were John Farrell, Richard Sherlock and Alexander Mair (Meeting Minutes May 2, 1832).

within the town to the ‘respectable classes’, investing energy in investigating the character of applicants.

Anyone applying to keep a grocery had to promise, under oath, that they would “keep a decent orderly house” and not to allow “any unlawful games, drunkenness or any other disorderly conduct” (Meeting Minutes January 4, 1834). With these restrictions and limitations in place, refusals of a license occurred relatively infrequently. One such refusal, however, was the case of Benjamin Hollister in late August 1833. Hollister, who had applied for a license and paid the required fee, was denied authorization to operate a grocery on grounds that he had been involved in several drunken parades around town and could not be trusted with selling goods to the people of Brockville, let alone the potential to sell liquor. Once the board’s decision was rendered, Hollister demanded that his money be returned. The board refused and thought it proper to recall that they “reserved the right to prosecute Hollister for an infringement of the Laws of the Board for keeping a grocery without a License” (Meeting Minutes September 28, 1833). Hollister’s case spurred the board to enact a regulation that further sought to limit who could sell goods. The board ordered that “no license for a Grocery shall hereafter be offered to any person not previously licensed unless such a person shall be duly qualified by Law to keep a Public House” (Meeting Minutes August 31, 1833). While no direct reference to a specific law was given, we can confidently assume that they were referring to their own regulations. Having a history of operating a grocery thus became a mechanism by which the board could measure one’s character and capacity to engage in economic

associations: a categorization of ‘proper’ and ‘improper’ store keepers. A few other criteria attest to the board’s anxiety to closely regulate financial associations.

To sell products within the town one had to be of majority age; the board denied Warran Botsford’s application for a grocery license on grounds that he was “under age and not considered a responsible person” (Meeting Minutes May 14, 1834). On the same day that Botsford’s request was refused, Peter McKean’s application needed to be delayed so that the board could “gather more information on him”. McKean was a newly landed Upper Canadian and needed to present the board with sufficient character references attesting to his capability to operate a public place of business. Being young or being an immigrant were presented as impediments to engaging in economic transactions for profit. Some transactions, even if from ‘established’ Brockvillians, required the board’s authorization. “Persons desirous of taking out licenses for meat shops shall make application to the Board, and that the sum of two pounds shall be paid for such licenses” (Meeting Minutes May 4, 1835), an extension of the licensing provision that sought to curb hucksters peddling rancid products, of which meat was a prime culprit. Not only was the quality of foodstuffs to be ensured, but also the quantity: the board regulating the minimum unit weight by which meat could be packaged and sold (Meeting Minutes November 5, 1835)⁵¹.

⁵¹ In a rare occurrence for the years under review, on July 13, 1835, Robert Fryers was fined for selling meat in less a quantity than was laid out in the corporation’s ordinances. In default of funds to cover the fine, Fryers was imprisoned for 20 days in the town’s gaol (Meeting Minutes July 13, 1835).

Representing more than attempts to ensure wholesome foodstuffs, the board's regulatory project targeting the sale of consumables intervened and structured the town's financial associations. In a town where 'outsiders', principally out-of-towners arriving through the river port, would attempt to resell goods at increased margins, the board's regulatory intervention through licensing provided some assurance: trust in financial transactions could be gained through the board of police, an example of an incorporated, collective will for 'the public good'. The board extended this preoccupation by regulating the financial practices of its own members and officers.

Board members entered into associations premised on financial transactions through several of the board's activities. Assessments placed inhabitants' tax money in the hands of the collector, who would then transfer the sums to the treasurer. During the board's initial year, the treasurer could deposit and withdraw money from the board's coffers relatively openly. The treasurer was also tasked with distributing funds in the board's possession in order to cover salaries, pay contractors, reimburse sums expensed for office material and so forth. This process was more or less informal, a simple request being indicated in the minute books and the clerk advised to record the transactions. In the board's third year of existence, however, this process began to be formalized.

In 1834, the board ordered that, "future orders on the Treasurer shall be signed by the President of the Board and counter signed by the clerk" (Meeting Minutes May 3, 1834). This small move ensured that Jones would know where the board's money was flowing, allowing him closely to guard the purse while affording a certain oversight of where funds were going. This did not appease all members, and board meetings began to

be adjourned for want of a quorum (Meeting Minutes May 7, 1834). Nonetheless, the project of regulating board members' associations. In April of 1835, as in the four previous Aprils, municipal elections were held. Daniel Jones, who was again selected president by his four elected peers, entered his third mandate since the incorporation of Brockville. Much like the previous year, all subordinate board members were dismissed, and a new legion of officers appointed. This board now met twice a week, as opposed to its predecessors which did not hold a fixed meeting schedule. Mondays and Fridays at 17:00 were arranged for the corporation's affairs to occur in a small section of the courthouse. The board in 1835 met more regularly than had any of its previous compositions, and almost twice as often as the board of 1833⁵². Beyond a defined twice-weekly meeting schedule, part of the board's strategy was to regulate the activities occurring within meetings. As such, on June 16, 1835, the board "ordered that upon every question that is submitted to the Board of Police for its decision, the votes of each member shall be rendered when it shall be required by any one of the members of the said Board" (Meeting Minutes June 16, 1835). Although containing an element of flexibility—the possibility that a vote is not required by a member—the procedural

⁵² The meeting frequency that can be gleaned from the minute book is as follows: 1832, 44; 1833, 38; 1834, 57; 1835, 72. Caution must be exercised in placing too much weight on these meeting frequencies, however. First, not all meetings were recorded in the minute book. Second, some pages of the minute book are missing, notably for the months of August and September 1832. Third, some meetings were quick and did not accomplish much, while others were much longer, accomplishing more. Fourth, some meetings were split into two portions but were held on the same day. The numbers I present are thus an informed estimate, the main point being that meeting frequency likely increased as the board's tasks became more complex. Secondly, that under the presidency of Daniel Jones, meetings were more structured, occurring twice a week in 1835, for example.

direction placed emphasis on the ‘required’, or necessary, character of board voting, which in the past was spontaneous, disruptive or both. The question of who was to lead meetings was equally disruptive to some of the corporation’s activities. The introduction of the ‘chairman’, as both a representative of the board and head of a meeting, was chosen as a solution to the problem of how best to structure relations within meetings.

Once enacted, the chairman’s position in the hierarchy was lower than the president’s, but it retained authoritative leverage over regular board members. The category of the chairman was usually used to denote the head of the board’s meetings in the absence of the president, although sometimes Jones, the president in 1835 when the category came into use, would join in a meeting after a chairman had been identified. The introduction of the chairman arose because Jones had become increasingly absent during regular board meetings, leaving a gap in the coordination of affairs. Jones was knighted on March 16, 1836⁵³ (Brockville Recorder May 20, 1836) and we can only speculate that he was spending more time on other concerns than the corporation’s meetings.

The appointment of the chairman was left to the decision of elected board members at the start of a meeting, not a single elected member being assigned to the position. The irregularity of this practice too was changed. On October 13, 1835, it was adopted that Ormond Jones, Daniel Jones’ nephew, was to be chairman in the absence of Daniel Jones, and this on a perpetual basis (Meeting Minutes October 13, 1835). It was

⁵³ Fittingly, Jones’ dubbing was publicized in the London based *Gentleman’s Magazine* (Urban, 1836: 543).

an administrative formality, but one that carried the message that board meetings were to continue in an orderly, predictable fashion even when the president was not there. It delegated authority, reinforcing lines of command and the 'proper' fashion in which to meet. The category carried more significance than a simple functional classification, however.

On May 8, for example, the board ordered that during meetings, "each Member of the Board when he addresses the President or Chairman do stand up" (Meeting Minutes May 8, 1835). The symbolic ritual of standing while addressing the head of the meeting had not previously been introduced to the regular rhythm of the board's meetings; the appearance of standing etiquette in 1835 is not coincidental to Jones' absence. Since his second term as president in 1834, Jones had tweaked how the board operated internally. Jones had been incrementally introducing forms of etiquette into the board's procedures, specifically with regards to how orders were given and the 'proper' duties of board members. Closely related to this was a rethinking of the duties of officers, seeking to refine what roles officers ought to take.

In 1835, the regulations detailing the 'Duties of Officers' were amended (Meeting Minutes July 13, 1835). The adjustment proposed altering the collector's relationship to the board's funds. Following a procedural rule, a vote was taken; Hartwell, Hall and Mair all voted in favour, while Ormond Jones opposed the change. Daniel Jones did not cast his vote, reserving to cast his opinion on the matter in another form. Once the proposal adopted, it carried the effect of altering the period in which the collector was required to hand over collected monies from every 60 days, to whenever ordered by the board.

Immediately, during the same meeting, the board ordered that the collector hand over £50 of the money that he had in his possession to David Mair for the improvement of Church Street. The immediacy of this move, which placed money directly in the hands of Mair, who had been gaining in political capacity, caused a debate. Jones, generally opposed to all things spontaneous, protested "against any order being given upon the Collector of the Town, for any monies received by him as such". Jones' vague dismissal of the change required some specificity, he quickly pled that "all such orders should be given upon the Treasurer of the Corporation, and no other officer" (Meeting Minutes July 13, 1835). His suggestion would have altered the flow of cash, essentially tampering the ways in which board members could access capital and would have required that he sign off, seconded by the clerk, on transactions. Debates over the 'proper' way funds were to pass through the board spilled over into debates pertaining to how board members were to manage the corporation's funds in their capacity of administrators.

In 1834, the board began on a process of seeking out new money. It started with an order that the street surveyor, who at that time was Stephen Richards, reach out to local Magistrates to ascertain how much money they had collected under the *Summary Punishment Act*. Richards was well placed to obtain this information. He had married Phoebe Buell, the sister of both Andrew N. Buell, the local editor of the *Recorder*, and William Buell, Leeds' parliamentary representative. Going directly to parliament proved to be ineffectual, however. Determined, the board then ordered Richards to extend his search to include a number of local justices of the peace (Meeting Minutes November 5, 1834). It was Robert Edmondson, a local physician, who provided the only sum due to

the board, a wonderful £1.5s (Accounts, 1834/5 in *Brockville Recorder* April 3, 1835). The board then decided to withhold certain salaries, paying the clerk, who was Alfred D. Hall at the time, a quarter of his dues after he requested half (Meeting Minutes January 19, 1835). Now that the financial gaze was turned inward, the board ordered “that the clerk be required to request the street surveyor to give the abstract of his accounts” (Meeting Minutes March 2, 1835). Richards, who had been previously been tasked with searching for funds, was now an object of scrutiny. The salient point of this particular exercise is that the treasurer, who under the board’s previous arrangements would have been an integral agent in all matters of finance, was nowhere mentioned. Furthermore, it was the collector alongside the treasurer, who formed a financial unit accountable for monies received and monies paid by the board. The exercise of searching for money was part of a rationalization process targeting the activities of the collector and treasurer: a process that sought to regulate the associations that these members had with each other. The search for funds continued into 1835, revealing again how associations were governed through financial transactions at the board level.

On September 8, 1835, with a mounting deficit and growing need for cash, the board tabled a motion to borrow the sum of £75 to be placed in the hands of the superintendents of the newly established public market. The money was to pay for work that had already been completed on the market building, settling debts incurred with contractors and individuals hired to draw plans. The scheme involved repaying the sum with projected future funds not yet in the board’s control, conceivably from taxes, license fees and fines. All but one councilor voted in the affirmative for the motion, hardly

surprising as three of the four councilors were the market's superintendents. Daniel Jones, the board's president, strongly opposed the motion. Jones argued that the board ought not to pledge "the funds of the Town for a future year on which they have no control" (Meeting Minutes September 8, 1835). Jones disputed "the right of the Board to borrow money", stating that "the law constituting the Corporation not having conferred that right". Jones was correct on that point; the Act incorporating the town made no clear mention of borrowing money, it was in effect a grey area of the legislation. The board, however, had done precisely that at least twice in the past—both times under Jones' presidency.

In 1832, the board borrowed £75 from Paul Glasford, paying interest on the loan on August 23, 1832 (Accounts, 1832/3 in *Brockville Recorder* March 28, 1833). Interestingly, the minute books do not contain a mention either of the loan, the payment of interest, or the repayment of the borrowed sum, an entire section of the board's activities missing from the book available in the archives (from August to September 1832). The loan⁵⁴ is mentioned in a single line of the board's published financial accounts, stating that 28 days of interest had been paid to Glasford⁵⁵. Meanwhile, Paul Glasford became the board's treasurer in April 3, 1833, granting him ample access to the board's funds to recoup the debt. Glasford, however, had again to advance the board

⁵⁴ Unfortunately, I could find no mention of how the money was spent, or who ordered it to be borrowed.

⁵⁵ The amount paid to Glasford was 3s 3d, about 3% interest on £75.

money sometime between April 1, 1833 and March 25, 1834. The board's accounts detail Glasford advancing interest due from the purchase of the town's fire engine, "there being no funds in Treasury" (Accounts, 1833/4 in *Brockville Recorder* April 4, 1834). What these activities point to is that the board did borrow money and it did amass debts, even under Jones' presidency. Jones' disinclination and objection in 1835 to borrow the sum of £75 was thus not a display of wanting to be compliant with the Act of incorporation, but rather part of a larger project of refashioning the inner financial workings of the board, attempting to limit instances of individual input in favour of a collective, bureaucratized approach. Jones' arguments had little effect on the other elected board members who, on May 27, 1835, borrowed £100 from the *Bank of Upper Canada*, £25 more than was previously proposed. In addition to the treasurer, the assessor, and the collector, the street surveyor was also under relatively intense scrutiny. Through an example of one instance, we can see how the board sought to ensure proper lines of command were followed by board members, as well as how officers of the board could enter into contact with townsfolk.

On May 25th 1835 the board ordered Stephen Richards, the street surveyor, to examine the streets within the town limits, and to produce a report detailing any encumbrance. Daniel Jones, the president of the board, also ordered a set of stairs that were causing a nuisance to be removed. The stairs were supposedly protruding onto the public thoroughway, located, incidentally, "merely opposite the dwelling house of Daniel Jones" (Meeting Minutes May 29, 1835). This point was stressed by the board's newly appointed clerk, Daniel S.M. Quinn, who was tasked with recording the meeting minutes

(Meeting Minutes May 13, 1835). Four days later, on May 29, Richards reported back on the condition of the streets and the board appeared sufficiently satisfied. This mundane exercise of requesting information on aspects of the town, something that would normally pass with little or no further consideration, was the beginning of a much larger process. Once the board had received Richard's report, Jones ordered the stairs protruding onto the street removed at once. An order of this type was not a routine practice for the board. It was customary that the generators of a purported nuisance appear before the board during a hearing, respond to certain questions, and if fault determined, pay a monetary fine. Such was the case in 1832 when Robert Edmondson, an open supporter of Ogle R. Gowan⁵⁶, appeared before the board for leaving building materials in the street; the practice of imposing fines for having caused a nuisance was applied in 1833 when Moses Maynard had to pay a penalty and costs for obstructing a street with a workbench. Jones departed from decorum in a calculated fashion.

Ordering the street surveyor to go throw down an inhabitant's property was odd. Nonetheless, the street surveyor may have felt it odd as well, because he apparently did not comply with the order. Two weeks later, the board issued a new order. The board ordered that the street surveyor "do show cause why he disobeyed the same" (Meeting Minutes June 5, 1832). At a time when street surveying was an important activity for the town's material growth, having the surveyor disobey was not a good thing. The street

⁵⁶ For an instance where Edmondson publicly supported Gowan, see *Brockville Recorder* September 18, 1830.

surveyor didn't stop there though. A few weeks following this incident, the board ordered the street surveyor to put a halt to the practice of using his own horse and cart to complete work on the streets in town (Meeting Minutes June 16, 1835). This was probably to limit the amount of refunds that the board was giving to people who 'let' the board use their equipment. The street surveyor had a job to do however, and continued to use his horse and cart. On June 29, 1835 the board ordered "that the Street Surveyor do show cause why he has disobeyed the order of the Board directing him to discontinue the employment of his horse and cart in the roads" (Meeting Minutes June 29, 1835). For all the archival specificity that the board had when it came to recording orders, it did not record the street surveyor's reasons for disobeying them. Being called on, being requested to act and ordering to act are all integral aspects of the inner workings of the board. These aspects of how the board ordered the street surveyor to action also point to the ways in which the corporation's regulatory strategy sought to govern a multiplicity of relations across a variety of sites. Another target of regulation was the pound keeper, an officer tasked with capturing and sheltering stray animals within the town.

In 1832 Brockville's corporation felt that the town was experiencing a problem of stray animals: horses and mostly pigs were running loose⁵⁷. Apparently, something had to be done. The board crafted a set of ordinances that sought to capture loose animals,

⁵⁷ Cattle were exempted from the provisions during certain periods of the year; cows, pigs and, later, dogs were almost always restrained from running loose. The function of pound keeper was taken over from the District Magistrates in Quarter Sessions once the board of police was incorporated in 1832.

removing them from the streets into a pound, while imposing fines on those who let the animals run wild. More important than stating that no animals were to run wild, however, was the ways in which the board articulated the duties and obligations of the pound keeper. The pound keeper, a salaried officer of the board, was in charge of detecting and impounding animals that he came across. The post required the officer to house the animals, receiving repayment plus costs from the owner of the impounded animal once retrieved or sold at auction. The pound keeper occupied a position that was principally outside the regular space of other board members; the pound keeper was physically removed from the courthouse and regular meetings where direct regulation through observation could occur. As such, the corporation spent much energy on minutely ordering how the pound keeper was to fulfill his duties, including how the officer was to handle monies received. The extract below is an example from an ordinance passed in May 1832. I quote it at length, as it is indicative of the type and extent of rules regulating the pound keeper and pound keeping, something that was not as detailed for any other position within the board.

That any horses or cattle (cows excepted) found running at large within the limits of the Town, shall be liable to be distrained and impounded, and held subject to a penalty of ten shillings each, besides poundage fees,- and unless the owner or owners of any such cattle or horses shall release the same by paying the penalty and poundage fees within twenty four hours after the same shall have been impounded, the pound-keeper shall cause a notice thereof to be affixed in three of the most public places in the said Town, giving a description thereof, and specifying the time when the said distress is intended to be sold – and if the same shall not be released by payment of the penalty and poundage fees to the pound-keeper, it shall be lawful for him, and he is hereby required to cause the same to be sold within ten days from the time said distress was impounded, having first given six days notice thereof; and the said pound-keeper shall after deducting the poundage fees and necessary expenses of the sale, pay into the hands of the Treasurer of the Corporation

the said penalty, if the balance remaining in his hands, after deducting the poundage fees and expenses as aforesaid, be sufficient, or otherwise such proportion of said penalty as the balance so remaining may amount to-and if there be any overplus, after payment of the said penalty, poundage fees-and expenses as aforesaid, the said pound-keeper is hereby authorized and required to pay the same to the owner of such horses or cattle: *provided nevertheless* that horses or cattle when they are in the act of going to or returning from pasture or water, or where they escape accidentally, and not through the negligence of the owner or owners, or his or their servants, from the premises of the said owner or owners, or the person or persons who has or may have them in possession, shall not thereby subject the owner or owners, possessor or possessors to the payment of the penalty enjoyed by the preceding regulations, if proof to that effect be made on the oath of the owner or owners, or any person on his or their behalf, before one of the Members of the Board of Police, who may if he shall think such proof sufficient, order any such horse or cattle to be restored to the owner or owners, possessor and possessors thereof, on payment of poundage fees and other expenses incurred

Police Ordinance May 14, 1832

The pound keeper's tasks and duties would only change slightly within the years under review. Continuously, however, the pound keeper was called to appear before the board to give accounts. Board members summoned the pound keeper to produce reports on the money that he had collected and the number of animals that he was able to sell. In fact, in March 1833, the board ordered that the pound keeper report monies received every three months (Meeting Minutes March 22, 1833). In 1834, David Mair was ordered to produce reports of his activities as pound keeper or, "his bond will be passed into the hands of the board" (Meeting Minutes March 25, 1834). I did not find another instance where an officer was forced to produce a report on forfeiture of his bond being kept by the board: it speaks to the degree to which the post was highly regulated.

These narratives point to a strategy focused on controlling the flow of money. The financial transactions that board members entered into were regulated through formal directives; the types of financial associations that inhabitants entertained were structured through practices such as licensing the sale of consumables. These governmental projects point to a larger process underway during the 1830's. Licensing, much like the requirement of having disbursements signed off for and recorded, made visible and durable otherwise ephemeral associations. Who was engaged in selling meat, for example, could be determined by looking at a list of people who had successfully petitioned the board. Likewise, those who failed to obtain the corporation's sanction, and who were caught engaging in the activity without a license, had their financial associations detailed and rendered visible by the board's officers. Regulating the space within which Brockvillians could act thus first required rendering certain behaviours surrounding propriety intelligible: 'proper' and 'improper' store keeping and the 'proper' flow of the board's funds are two examples. In the next section I will explore another: public manners and etiquette.

3.5 Governing Public Space

From the board's incorporation in April 1832, it engaged in the creation of specific and general ordinances that served to regulate certain public behaviours, habits, and activities within the town. Some of the first regulations of the board prohibited riding or driving on sidewalks and limited driving in the streets to 'a moderate trot' (Police Ordinance April 9, 1832). The board also regulated the discharging of guns; playing any

game of ball for amusement in the streets; defacing any sign board or inscribing indecent words, figures or pictures on any structure; generally making “any disturbance in any place or places of public worship, or of profane oaths, cursing, execrations, drunkenness, uncleanness or other scandalous actions in any of the streets” (Police Ordinance April 9, 1832).

By May 1832, the board had extended public space regulations: streets and sidewalks were not to be blocked; constables or other officers of the board were not to be obstructed in their duties; horses and cattle were not to run at large within the town; individuals were to remain covered while bathing in public between 06:00 and 21:00; putrid meat, dead animals, firewood and ‘other nuisances’ were to be dealt with; shops were to be closed and fishing prohibited on Sabbath; disturbing one’s neighbour by ‘disorderly conduct’ would result in a fine (Police Ordinance May 14, 1832). These regulations appeared periodically and were somewhat spurious. In one instance, an ordinance restricting work on Sabbath around the dockyards appears to have been created in response to a complaint published in a local newspaper: an instance of what Fischler has termed ‘regulation on demand’ (2007: 24). In 1834, the board rescinded all previous ordinances and issued a new list (Police Ordinance January 23, 1834). The board’s first step in creating a new, systemic portfolio of ordinances was to recast the categories found in its regulatory project.

Somewhat comparable in content, it is the creation of distinct categories in the new list of ordinances and the relative longevity that this new list had that signals a shift. The creation of ‘nuisance’ and ‘fire regulation’ categories, alongside distinctions between

'constable', 'inhabitants', and 'officers of the Corporation', is a good example of a form of administrative regulation that sought to categorize inclusively and exclusively based on participation within the corporation's affairs. Board members further sought to enforce regulatory adherence by reinvigorating their authority, granted through the Act of incorporation, to use the local gaol. An important facet of the ordinance system utilized by the board was that unpaid monetary fines imposed on individuals could be transformed into jail time. Lacking money, or not having in one's possession enough goods or chattels equal to the amount of a fine, could result in imprisonment. On several occasions, the board did send people to the gaol to 'pay' their debts to the corporation. One such occasion occurred on August 4, 1834, when William Godkin and Richard Morris, two of the board's repeat visitors, found themselves in gaol for two days each to pay off their account with the board (Meeting Minutes August 4, 1834). In 1835, the board strengthened this policy with an order given "to the Jailor to receive all persons found committing noise, fighting or being guilty of profane swearing, or drunkenness or in any way disturbing the peace and quietness of the said Town, against the ordinances and regulations of the Board of Police, brought to him by the High Constable and to detain them till an order be given for their release" (Meeting Minutes May 2, 1835). The gaol and the board of police became increasingly attached as attempts were being made to remove undesirable conduct from sight; public sites became the focus of much regulatory enforcement.

Speeding, firing a gun and causing a disturbance were the charges most brought before the board during hearings in 1832 (meeting Minutes May 7, 1832); being drunk

and rowdy also continuously landed individuals in front of the board to answer questions (Meeting Minutes October 5, 1832). The board sought to curb a variety of ‘disorderly’ behaviours; intoxication being the main charge supplied during such hearings (see, for example, Meeting Minutes October 24, 1832; November 1, 1832). Cursing was especially frowned upon, with witnesses claiming that ‘offenders’ had used profane oaths in the most undesirable ways (Meeting Minutes October 5, 1832). Charivaris and other public shaming/retaliation traditions were banned, earning participants a visit to the board and fines for disturbance. The tradition of duelling, challenging one to fight, violated an ordinance and was enforced quite often (see, for a typical example, Meeting Minutes May 29, 1835). Restrictions on duelling, Cecilia Morgan argues, “shaped a discourse that, as much as it relied on the binary opposites of public and private, and attempted to identify men with the former and women with the latter spaces, hinted at a more complex way of conceptualizing social formations” (141). The board’s envisioning of public space followed a narrative of collective responsibility underscored by a version of masculinity that attempted to delineate ‘proper’ and ‘respectful’ comportment. As such, inscribing ‘indecent figures’ on signboards led to Thomas Tanners and Martin Gilprin being fined: disrespecting property was presented as itself an ‘indecent’ act (Meeting Minutes May 14, 1834). The tropes of ‘decency’, ‘respectability’ and ‘sensibility’ were deployed as strategies by the board to regulate space “whereby relations of power were produced, organized, and maintained” (Morgan, 1996: 10) and where the category of ‘virtuous manhood’ was inextricably connected with ‘proper’ masculine etiquette and manners. As with all power relations, these behaviours were produced and reproduced both by

compliance with and against what was seen as appropriate between actors operating within and outside the board of police. In the case of the board's public space regulation, the line delineating behaviours was, in part, informed by the board members' personal experiences either in the militia, circles of politics or congregational life: centres of cultural (re)production that influenced notions and the enactment of gender.

While the board had enacted several regulations expressly targeting fire prevention, only one incident came to the attention of the board. George Kelley, who apparently walked into a barn with an unsecured lit candle had to face questions from board members as to why he would not simply place the candle in a lantern (Meeting Minutes March 23, 1835). Kelley did not receive a fine; infractions that would have occurred in less open, public spaces rarely received attention, attesting to the focus of the corporation's regulatory strategy. The board mobilized the metaphorical distinction between male 'public' and female 'private' realms that characterized much of Upper Canada's political discourse (Morgan, 1996), which was representative of an intentional targeting of public interactions and relations. The board's reliance on the 'public'/'private' distinction is also revealed within its dealings with women.

In an interesting hybrid case, Clara Foster, a woman who would be continuously brought before the board for various charges, was implicated in a hearing that did not involve her breaking a public space ordinance. David Hicks was supposedly in Foster's room with another man when the corporation's constable at that time, Willard Curtis, received a noise complaint. Foster and the two men were apparently having a great time at the expense of their sleeping neighbours. When Curtis attempted to intervene to put a

halt to the events, Hicks violently attacked him, probably in an advanced state of drink. Curtis recuperated, fetched assistance and detained Hicks for disturbance and resisting arrest. At the hearing, a number of witnesses presented information. Almost each one attested to the idea that Foster had been running a bawdy house and that Foster, Hicks and another man were engaged in promiscuous sex the evening of the incident. The town, at that time, boasted no provision against bawdy houses, however. As long as the activities occurring in a house did not awaken the neighbours, the board could not find fault. This changed rather quickly. Restrictions on bawdy houses and brothels would appear on the books in July 1834 (Meeting Minutes July 14, 1834). Less than a month after the provision was published in the *Recorder*, Clara Foster appeared before the board. "With a number of witnesses" attesting to her operating a brothel, Foster was fined 30s and costs without any detailed information having been entered into the minute book (Meeting Minutes August 5, 1834). The regulation of public behaviours labelled as a 'disturbance'/vice carried a moralizing discourse. It was not only the board, through enforcement of regulations, but witnesses appearing to provide testimony at the board's hearings that offered moralization too. The example of Maria Post and Philip J. Musson is telling in this regard.

Musson had been the corporation's pound keeper during 1832, dismissed from that post after having failed to provide an account of the monies that he had collected during his time in office (Meeting Minutes April 20, 1833). From the time of his dismissal, he had not been a stranger to the board. Musson appeared in May 1833 for having caused a disturbance and instigating someone to fight (Meeting Minutes May 25,

1833). Then in October, he failed to provide the assessor a correct return on his property assessment, subsequently skipping town and avoiding the charge for some time (Meeting Minutes October 18, 1833; October 26, 1833). It was in July 1834 that Musson was engaged in an intoxicated parade around town with two other men that he decided to “use immodest language” and expose himself to Maria Post (Meeting Minutes July 14, 1834). Post appeared before the board as a key witness to the events. In a similar fashion to how Foster was treated during the hearing, Post’s reputation was questioned. Apparently someone would have seen George Crawford, the board’s treasurer in 1832, a local teacher (Library Archives Canada MS 3676) and married to Caroline Sherwood, one of Adiel Sherwood’s daughters, jump out of Post’s window. The implication was that Post was having an affair with Crawford, a point entirely decontextualized from Musson’s charge. Post defended herself during the hearing and was able to supply enough corroborative information that Musson was fined for causing a disturbance (Meeting Minutes July 14, 1834). Not always was the character of women put into question during hearings.

When John Ganshank unbuttoned his pantaloons in an attempt to reveal himself to the unwilling Margaret Gyers, the board members saw fit to impose a fine without much questioning (Meeting Minutes September 14, 1835). In a similar way, Elizabeth Rickaby escaped scrutiny when she had multiple people, including several men, over to her house for music, dancing and a game of loo (a card game called lanterloo) (Meeting Minutes April 23, 1834). Loud noises, including cursing and violin, were apparently emanating from Rickaby’s late into the evening, an old-fashioned party that the neighbours were not

invited to. Benjamin Stuart decided he had had enough and contacted a constable. Once at the hearing, the board questioned Stuart if he was certain that Rickaby had been the instigator of the noise disturbance. Stuart could not confirm that she had wanted there to be loud music, some drinking (although apparently minimal) and cursing. Rickaby testified that she had attempted to put a stop the disturbance but failed on account of there being just too many people in her house to control. In these instances the board applied a more contextualized reading of events, something that had not occurred in the previous cases mentioning women and insinuations of promiscuousness.

One could conduct a close reading of the ordinances variously enforced by the corporation and come to some general conclusions concerning the rationality of the board. Likewise, we could read these ordinances as attempts to establish ‘peace, order and good government’ of local affairs. I think more fruitfully, however, we can place the ordinances alongside and within the incorporated town’s distinct set of associations, relations that evolved with, and to some extent anticipated, the development of a routinized, systematized political space. That is to say, the board enacted, out of its own necessity an extensive and intensive display of authority through the regulatory machinery of which ordinances were part. ‘Proper’ public displays and financial transactions and the ‘correct’ flow of capital within the board all being expressions of manners and etiquette that the board sought to promote. The corporation first made visible and governable a set of associations that it then attempted to limit through regulatory projects. This process did not occur within a vacuum, however.

The envisioning and creation of the ordinance scheme that the corporation put to work occurred at a time when certain associations came under stress. The 1830's marked a period when Brockville's founding Loyalist elite, both Reformer and Tory alike, who had historically enjoyed positions of influence, became increasingly entrenched in political competition, while attempting, in part, to secure continued positions of influence for themselves and their offspring. Further, Brockville's entrepreneurs, who had enjoyed conditions of monopoly, partly due to an expanded network of river transportation, partly due to the growth of urban centres, entered into heightened competition with new business ventures. There were also administrative pressures. The patronage system that dominated employment appointments in relative secrecy was being publicized in print media and questioned by oppositional factions. Developments in transportation were increasingly connecting continents and towns in new ways, shifting immigration and emigration practices. Localized associational networks focused on social regulation, such as temperance societies and fire insurance companies, were gaining popularity, affecting everyday practices incrementally from the tavern to the courthouse. A brief example of how these pressures played out within the realm of ordinance creation may help cement the argument, hinting at the kind of space that the corporation's members envisioned.

On May 28, 1834, Arthur McLean, editor of the *Brockville Gazette* as well as the short lived *Statesman* while being Ogle R. Gowan's main collaborator in a court battle with James Gray over a seized printing press, appeared before the board requesting action (Meeting Minutes May 28, 1834; Akenson, 1986:174). McLean had been bitten by a stray dog and requested, "that the President and Board of Police of Brockville would

exercise their authority for the future prevention of a similar evil". The Tory led board, which McLean had publicly criticized individually and collectively through the organs of the *Gazette*, wasted little time in showing the Orangeman what it could do: that is, nothing. Non-action was as decisive as action. The board decided to listen to McLean's request for an ordinance on demand, but not to enact one. That process had to wait until May 1835, after the duo of David Mair and Joseph K. Hartwell collaborated to propose and adopt a motion to restrict dogs in the town. Mair, a Tory sympathizer and elected councillor in the West Ward, and Joseph K. Hartwell, an elected councillor in the East Ward, would collaborate together on a number of local issues. On this occasion, stray dogs were the target of regulatory action. Mair knew about stray dogs, acting as the corporation's pound keeper for several years before gaining access to the elected ranks of the board. The actual deployment of the regulatory strategy involved more than an attempt to limit freedom in a pervasive way, it was also an attempt at creation: an attempt at creating a political plane for the exercise of a particular type of conduct. Thus far I have shown how this occurred within the realm of finance and public space. I will now turn to my last example, that of sanitary controls. I argue that sanitary regulations that were enacted during the cholera outbreak of 1832 reveal both the negative and positive potential that incorporation held- the ability to limit freedom and the capacity to productively create a political space. Through a brief exposition of how the board reacted to the outbreak, it will become clear which behaviours were to be controlled and which ones were to be promoted within that space.

3.6 Cholera 1832

During the cholera outbreak that occurred during the summer of 1832, the board passed a series of sanitary regulations aimed at controlling the occurrences of sickness. First, the board crafted an ordinance instructing residents that, “all cellars shall be thoroughly cleaned of vegetable matter and water, and that the walls thereof be forewith whitewashed with good strong lime, and that all vegetable or animal putrid matter, or such as is likely to become putrid, and all other dirt or filth be removed within 24 hours after the promulgation of this order, from the premises of every inhabitant of the Town under the penalty of thirty shillings, with costs” (Police Ordinance June 16, 1832). Second, it prohibited boats, or other water vessels, not emanating from Brockville, from landing on its shores (Police Ordinance June 18, 1832). Physicians were to form a board of health, and to “adopt and recommend to this Board such precautionary measures before we shall be afflicted with this malady” (Police Ordinance June 16, 1832). All this happened before the Court of Quarter Sessions⁵⁸ had convened a special meeting, on June 20, 1832, at the request of the Lieutenant Governor, for the purpose of establishing some apparatus to counter the outbreak (*Brockville Recorder* July 5, 1832). Although the disease “united all persons by an anxious desire to alleviate the sufferings of the poor” (*Brockville Recorder* June 23, 1832), the people were scared; the board was looked to as

⁵⁸ In an interesting move, the District Court’s Magistrates received money from the Province rather than Brockville’s board of police to pay for expenses linked to the cholera hospital (see *Brockville Recorder* June 28, 1832).

a means of preventing and halting the spread of the malady. It passed an onslaught of ordinances, regulating the disposal of hay, the travel of people to and from the hospital on an island just outside the town for the express purpose of treating the ill, and the cleanliness of homes. The *Brockville Recorder* issued a completely separate issue in order that these new ordinances could be published, giving them “immediate effect to the order” (*Brockville Recorder* June 19, 1832). To give effect to these measures, enforcement was necessary.

In order to enforce the cholera specific ordinances, the board ordered that, "if any person within this Town shall neglect or refuse to comply with the direction of any member of the Board of Police, or of the Board of Health, with respect to the abatement of any nuisance, or the observance of any means requisite to promote health and cleanliness, in and about their houses, yards and premises or the streets, in their immediate neighbourhood, he shall forfeit the sum of thirty shillings" (Police Ordinance July 8, 1832). Interestingly, this was the only piece of work that the board did on a Sunday. Through this regulation, the board had engaged a set of actors to intervene extensively, visiting the homes of Brockvillians to ascertain compliance with sanitary regulations (Police Ordinance June 18, 1832; June 22, 1832). This order was put to use the very next day, revealing that the board carried more than simple symbolic weight.

Following the board's orders, the town's constable, John Price, visited the home John McGuire and Hilly Mason, within which “several cases of Cholera had occurred”, to ensure that the house “be thoroughly cleansed, and a part of the population removed in case too many persons shall occupy the same with a due regard to health” (Meeting

Minutes July 9, 1832). Price was also granted the authority to enter any of the town's houses in order to examine "cellars or premises" (Police Ordinance June 22, 1832). Not granting Price, or any other officer of the board, the opportunity to inspect their home would result in a fine, plus costs (Police Ordinance July 8, 1832). It was less the fine than the stigma attached to not following the board's regulations that convinced people to follow: no one wanted to be the one charged with spreading cholera within the town. In a reversal, it was the board that was implicated in just such a charge. The *Brockville Gazette* reported that the board had acted with "gross neglect and inefficiency" by allowing a woman to reside in a house which was "kept in a most filthy state- a pig-stye underneath the floor of the house, and the upper part converted into a slaughter house" (*Brockville Gazette* August 2, 1832). To allow such a situation to exist, after repeated information having been given to the board, the article argues, "plainly shews there is a lack of duty in our Police". Another incident, linked to the cholera ordinances, is instructive to the heightened attention the board's approach to ordinances.

In September 1832, John Murphy, at that time an elected member representing the West Ward, went to a temporary hospital constructed on an island just outside Brockville to conduct some work. The hospital was built to treat individuals afflicted with cholera-like symptoms, but had not received any new patients for some time and was in the process of being decommissioned. Upon finishing his work, Murphy was returning to shore when Alexander Grant directed Murphy to return to the island, ordering him not to dock his boat on the shore of Brockville. Grant had been appointed ultimate enforcer of the board's cholera ordinances, a task which, unlike his appointments to captain of the

fire brigade, he had readily accepted⁵⁹. Murphy, who had passed the resolutions authorizing Grant to act, did not “recognize any right in the gentleman to exercise such an authority” and returned to shore to secure the boat he was using (*Brockville Recorder* September 27, 1832). Grant, “swelling with rage”, caught up with Murphy and struck him multiple times (*Brockville Recorder* September 27, 1832). Physical violence was used instead of the intended legal channels that Grant was directed to adhere to, a move which would later be highly criticized. Murphy, admitting to not having been in a fight in his life, did not return the blows but confessed that his “anger was greatly excited” and he “prepared to repel the attack” but did not react in time, Grant “big as he is compared” to Murphy, “walked off” (*Brockville Recorder* September 27, 1832). Murphy would reserve his counter-attack for another time, revealing to the *Brockville Recorder*, through a letter to the editor, that he “did not relish the idea of being assaulted in the wholly unjustified manner” that he was (*Brockville Recorder* September 27, 1832). He therefore resolved “to prosecute Capt. Grant, and hold him up as an example to deter others from disturbing the peace of society” (*Brockville Recorder* September 27, 1832). Grant was publicly shamed through the columns of the *Recorder*, as well as during the following board meeting. While the Board opted not to prosecute either party, as they were both at fault,

⁵⁹ On June 22, 1832 the board passed a series of regulations directed at curbing cholera, one of those provisions directed Grant “and those acting under him, to apprehend and bring before this Board any individual, who is found in the act of offending against any one of the above ordinances”. Grant was also authorized to “act as Health Officer, and to superintend the Constables appointed under Ordinance...and that he, with the assistance of any other person he may think proper, shall use all lawful and active measures in his power to prevent Boats &c. from landing within the limits of the Town” (Police Ordinance June 22, 1832).

the story is revealing to the extent that the board sought to regulate the passions of all individuals in town.

Although Brockville seems to have made out in the main with fewer casualties caused by cholera, the *Gazette* found something to criticize. Andrew N. Buell, the editor of the *Recorder*, whose father, William Buell, died as a result of becoming ill during the cholera outbreak, remained silent on the board's work, keeping his chronicles sanitized of much commentary. The cholera ordinances passed and variously enforced by the board would remain active for some time after the summer of 1832. The one ordinance that received sustained attention was the prohibition of boats to dock at Brockville's port, speaking to the economic costs of preventing the exchange of goods in favour of preventive practices. So far, the board had engaged in the creation of ordinances to address pressing issues, regulating aspects of life in an irregular and spurious fashion.

4 Incorporating Competition

The previous chapters sought to draw attention to a delineated set of associations and an emergent political space enabled by the incorporation of Brockville. Thus far I have taken seriously Foucault's suggestion to explore the variegated ways in which government is rendered possible, asking *how* rather than *who* rules in a jurisdictional sense. I chronicled the ways in which regulatory projects rendered behaviours visible and governable; board of police hearings and regulatory practices governing behaviours and

promoting a type of etiquette and civility. This chapter seeks to make the link between the board's bureaucratized institutional characteristic and its regulatory project more explicit through an illustrative vignette on the processes involved in the formation of the corporation's fire brigade. Before exploring the fire brigade, I link the desire to ameliorate Brockville during the early 1830's to a will to promote the town as a viable economic and cultural centre. I stress competition between towns as an engine for change, spurring emotional responses and an affective will for more advancement. Emotional responses urging more development and amelioration, combined with metropolitan competition, prompted the board of police to organize a fire brigade. The fire brigade's symbolic significance, of order and advancement, provided a continued plane for rendering the board's corporate existence intelligible. I conceive the board of police's fire brigade project as having provided a measure of advancement and a mirror for how one ought to act within the newly created incorporated political space. It remains, however, one of a variety of projects in which the board engaged that carried that effect. The construction of a public market in 1833, or the several street expansion and modernization projects that the board embarked in throughout the 1830's are two other examples of this link. As such, the vignette method of exposition renders the task of presenting a project that is connected to many other aspects of the board a little more simple. Furthermore, as will be seen, the creation and coordination of the fire brigade spanned several years and remained relatively unfinished in the narrative that I present. A vignette lends itself well to detailing the salient aspects of the project for my purposes, while offering some context and fine-grained detail that help in providing lucidness.

Before I discuss the creation and coordination of the fire brigade, I want to explore first the idea and some characteristics of competition.

4.1 Raising the Stakes in the Competition

The cross-fertilization between towns has been studied under the rubric of ‘metropolitanism’ (Careless, 1954; Matthews, 1987). The term denotes a range of studies that probe patterns of economic growth linked to the development of channels of communication and corridors of transportation⁶⁰, and the natural barriers between urban territories (McNaught, 1990: 56). In a somewhat polemical piece, J. M. S. Careless, one of the leading advocates of the ‘metropolitan’ approach to Canadian history, stressed that economic aspects were central to understanding the flows of urban power and the patterns of urban development (1977:110). In the same breath, however, Careless suggested that tracing metropolitan power through formal governmental institutions was not enough. His suggestion was also to focus on the “psycho-cultural domain of attitude and opinion”, attainable by tracing rhythms relating to “the influence of inertia in established patterns of communication, the force of change released by the very anticipation of change” as well as probing “the perceptions, aspirations and responses that again come down to the human factor, both individually and collectively” (110). In

⁶⁰ In 1831, for example, the road between Perth and Brockville was characterised as “more travelled than any other in the Province” (*Brockville Recorder* February 10, 1831).

the case of Brockville, the ‘force of change released by the very anticipation of change’ intensified around improvement projects and the proposal to incorporate the town⁶¹.

During the spring of 1830, for example, a meeting at the house of Peter Wheeler, an innkeeper in the town, resulted in a plan to raise money for street improvements (*Brockville Gazette* May 7, 1830). A committee was formed to raise money through subscriptions and the amounts raised were to be published in local newspapers. Publicizing the subscription amounts ensured that progress made would be known, as well as the names of those who gave money. Several months later during the summer of 1830, the press reported on the street improvement project as well as the general state of the town. “Only a few years ago”, the *Gazette* observed, “Brockville was a mere little village consisting almost exclusively of a few wooden hovels, without any thing to recommend it to the patronage of those whose local situation, gave them an interest in its

⁶¹ A general appeal to the aesthetic benefits of development projects was present well into 1835, and probably can still be found today. The *Brockville Recorder* reproduced an article expounding the potential benefits of new buildings, linking political subjectivity to an ethical practice of community beautification: “when a man is about to erect a new building in a public place, if he is a good citizen he will consult not merely his own convenience in the construction and position of it, but its effect on the appearance of the place; he will endeavour to arrange it in such a way, to finish it with such taste, as that all who look at it when completed, say, ‘How much that house has improved the appearance of the town,’ and not, as is sometimes the case, ‘That building just spoils the looks of the whole place.’ Think of it, ye that build” (*Brockville Recorder* August 8, 1835). In 1838 an Act was passed authorizing the erection of a new court house and gaol. In 1841 Paul Glasford was nominated chairman of the building committee tasked with overseeing the construction project. The building was completed in 1844 at a cost of £9,262. Later in the year, a ‘Lady Justice’ statue to crown the building was commissioned by the board at a cost of £38, raising the total costs of the new court house and gaol to just over £9,300. ‘Lady Justice’, dubbed ‘Sally Grant’ by Paul Glasford, was sculpted with her eyes open, contrary to the American custom of blindfolding the eyes juridical symbols. Presumably, in Brockville, municipal justice needed to be carried out with an open regard (see figure 4; Cole, 1914: 39-40; Disotell, 1997: 59-60).

welfare, or to attract the attention of the visitor” (*Brockville Gazette* August 21, 1830). After some “external and internal” improvements, the *Gazette* could speculate that Brockville was “to rank highest in the first class of improving villages in the Province”. The improved situation meant, at least for the editor of the paper, that merchants, professionals and inhabitants themselves could enjoy a beautified landscape, which included a public green space opposite the courthouse financed by assessment. I am anxious to draw attention to the following argument advanced by the *Gazette*, as it relates directly to the emotional attachment to change that I wish to highlight.

The Brockville *Gazette* linked the rapid developments brought about through the personal labours of some to a collective, emotional condition, advancing that the “private exertion for the public welfare, should be met with a corresponding feeling, by which means others, whose hearts are now cold and indifferent to the public weal, will be shamed into exertion, and at length aroused from their lethargy, be induced to emulate the public spirit”. The editor then drew readers’ attention to a variety of improvements being contemplated, including the proposal to incorporate the town, presumably an effort that one ought to have championed.⁶² To be sure, it was a patronizing moral discourse of local responsibility. It reproduced a quasi-religious trope of individual commitment in the name of aspired collective betterment. However, the editor’s words represent a

⁶² See also *Brockville Gazette* August 28, 1830 where attention was drawn to the “great increase in population, and the rapid improvements which have taken place”.

sensitivity, a knowledge perhaps, that a vision of improvement could summon an affective drive for change.

The affective drive for change was later represented in petition form, claiming that the petitioners “are made to feel more deeply sensible of the importance and necessity of some immediate Legislative provision being made for the internal government of their Town” (*Brockville Recorder* September 7, 1830). As David Wood points out, “incorporation is an indication of the ambitions of an urban place and usually a signal of growth” (2000: 139). Growth, ambition and a drive for change coalesced, feeding the prospect of incorporation and fuelling competition.

Not long after the town of Brockville was incorporated in 1832, a letter to the editor of the *Brockville Gazette* expressed that “we now anxiously look forward to the wisdom and experience of our officers of Police to improve what she has so wonderfully commenced” (May 3, 1832). By November 1832, the towns of Prescott and Cornwall sought incorporation. The local press in Brockville was happy to report that their model of elective police was being attempted by two of their rivals. The brief report in the *Recorder* is telling. The editor repeated the trope that it ought to be up to “the inhabitants of these villages to chose whom they will tax”, but added that they ought also to “govern themselves” (*Brockville Recorder* November 11, 1832). The link between governing the self and governing others was made explicit; there was no need to hide the fact that an incorporated police would serve to govern the town in a way impossible under the previous traditional model of local government. One of the things that an incorporated police could do was organize a fire brigade, a symbol of status and standing that few

towns could then boast. The next section explores that process of creating a fire brigade in Brockville.

4.2 Gaining Competitive Edge: Coordinating the Brockville Fire Brigade

On Tuesday July 24, 1832, around midnight, the church bells rang signaling that a fire had broken out in the town. As townspeople began to assemble outside Billa Flint's store, it became apparent that the merchant's place of business, as well as an adjoining unoccupied store, would be lost to the flames. Those gathered spent their energies preserving an adjacent multi-story house; wind and rain aided efforts as volunteers removed furniture and doused the flames with buckets of water. Flint's building was insured for £250, less than its value, and upwards of £500 of goods contained in the store were not insured at all. It was the first large fire to break out since the formation of the board of police in April of that year, foreshadowing that just because the town could boast having a volunteer brigade and a fire engine, fires would not stop occurring. Once the smoke had cleared from Flint's store, the *Recorder* lost no time outlining the actions (not) taken by board members.

Officers and members of the board of police had arrived on the scene "in time to be serviceable" the column reported (*Brockville Recorder* July 26, 1832). However, "there was a want of system and organization" which the *Recorder* conceived to be of "great importance on such occasions". The lack of an effective fire brigade could be pardoned, as things were in their "infant state" the editor contended. Nonetheless, the

Recorder then spoke on behalf of the community, stressing “the necessity of some more efficient means being adopted to arrest fires we presume will be apparent to the Board, and meet with that attention which the subject deserves”, a recurring trope concerning fire protection and the board of police in Brockville.

This section explores that process. I trace the steps taken by the board to form a volunteer fire brigade, armed with a mechanical water engine and an administrative apparatus. The fire brigade became an extension of the board of police, under its supervision and control. I argue that the development of the fire brigade was spurred by competition between towns, rather than a localized requirement; a fire brigade extended the reach of the corporation and as such, intervened in the political space opened up by incorporation beyond merely fighting fires.

In 1831, amid public meetings and petitions requesting the incorporation of the board of police, the *Recorder* signalled Brockville’s position within the hierarchy of Upper Canadian towns. Andrew Norton Buell, the paper’s editor, reported that “through the spirited exertions of Mr. Norton and other individuals, means were lately raised, a Fire Engine purchased, and a Fire Company formed in the village of Prescott. Brockville is thus outdone” (*Brockville Recorder* December 1, 1831). The observation required little preamble, being “outdone” by a town merely twenty kilometers northeast along the Saint-Lawrence River towards Montreal, was not a welcome development. A strategy of promoting the town’s virtues, and underplaying its ‘vices’, in an attempt to attract capital and new inhabitants was well underway in the 1830’s and continued until at least the late nineteenth century (for examples see Canada Carriage Co., 1894; Southworth, 1888).

William Catermole, a land agent who resided in Upper Canada for three years, promoted the town during lectures given in southern England to people who were seduced by the idea of living in the Canadian colony. In 1831 Catermole's remarks were published in book form under the title *Emigration: The Advantages of Emigration to Canada*, an assemblage of personal opinions of Upper Canada that apparently garnered the support of Sir John Colborne, Governor of the province (1970; see also Gentilcore, 1984: 150). Catermole spoke highly of Brockville, calling it "the village of palaces, the Hague of Upper Canada" (1970: 25), a remark on the town's architectural characteristics and his assessment of the buildings at the time. The "elegance" and "substantial character of the buildings" made Brockville unique in Catermole's view, a "wild and very romantic spot, well worth the attention of the traveller" (25). The romanticized vision expressed by Catermole was part of a genre of literature that aimed, literally, to 'sell settling' in the Canadian colony.⁶³ It was not only land agents who promoted towns, however.

Traveling circuses, concerts, public fairs, agricultural exhibitions and roaming zoos all passed through Brockville, prompting newspaper reports of the virtues of the town and marketing the area as a prime location in the district for more public displays of prosperity. Even if local and international publications and attractions could charm the curious, an enduring problem of fire remained. Like many other nineteenth century urbanizing towns, relying on good-natured neighbours to fight conflagration paled in comparison to mechanized pumping engines; the technological poverty was anxiety-

⁶³ For the workings of this genre in a later period, see Malciw, 2009.

producing. With the establishment of the board of police, this anxiety was directly addressed through a number of projects under the umbrella of fire protection.

One of the board's first orders of business was to address the problem of fire. During the board's first meeting, an order was passed that a sum not exceeding £175, to be taken from funds raised through assessment, be used to purchase a fire engine (Meeting Minutes April 7, 1832). Next, the board appointed Alexander Grant⁶⁴ as the captain and engineer of the fire company (Meeting Minutes April 9, 1832). Grant had a short stay at the Legislative Council, being sworn in on November 23, 1831. By mid January 1832, Grant had stopped attending and was not present for the third reading of the Brockville police act on January 21. He was sufficiently well connected to gain access to the Council, and Daniel Jones, the board's president, knew that Grant needed a role to play in the newly formed municipal government. Grant was to assemble a list of forty-eight men who would form the fire brigade, then submit his list to the board for approval. Each member of the brigade would have to be outfitted with "a proper fireman's uniform" at their own expense, although what exactly that meant was not immediately spelled out by the board, nor its necessity made apparent. Grant, perhaps

⁶⁴ Little has been published on the life of Alexander Grant Jr. We know his father, Grant Sr. (1734-1813), was born in Scotland, served in the British Navy and the 77th Foot before serving under General Amherst in 1757. Grant Sr. married Therese Barthe (1758-1810) in 1774. He served in both the Executive and Legislative Councils and was acting Lieutenant Governor in 1805, a testament to his long-standing political ties and convictions. It might be for this reason that Grant Jr. was appointed to the council and served as a justice of the peace. There is no marriage record for Grant Jr., and the 1830 census of Brockville does not list his name (see LAC MS-2548). The biographical information that I present is thus limited to his dealings with the board of police.

annoyed with the specificity of the task, refused the appointment (Meeting Minutes, April 11, 1832). Without a captain secured, the board continued to press ahead with its fire protection project. Still within its first month of operation, and not in possession of an actual fire engine, the board resolved to apply to Daniel Jones, William Buell and Charles Jones requesting a piece of land to erect a fire engine house. The board wished to know if one of them would consider either leasing, or selling to the board a parcel in the town. All three had substantial land holdings and could benefit from the sale. The requests went out, and then nothing happened. Perhaps it was the intervening outbreak of cholera during the summer of 1832, or that the board still had not collected any assessment money, but the board's fire protection fury came to a quick halt. Prescott, however, remained particularly singled out as a competitor, repeatedly evaluated in Brockville's local newspapers throughout the mid 1830's. Even if the fire plan had faltered and cholera was sweeping through towns across Upper Canada, the *Brockville Gazette* could not resist publishing a letter to the editor stating that Brockville was "far superior in every respect" to Prescott on matters connected to the forwarding business (Brockville Gazette May 3, 1832).

The board's fire brigade focused activities resumed in February of 1833, reappointing Alexander Grant as captain and ordering him to assemble a forty-person team (Meeting Minutes February 11, 1833). The board also sent Stephen Richards, a local blacksmith and Andrew Norton Buell's brother in-law, to arrange the procurement of a fire engine budgeted for £150 (Meeting Minutes February 12, 1833). Richards subsequently travelled to Albany, gathering information and opinions on models and

examining products. He decided that the £175 ‘Rogers’ Patent’ model produced by John F. Rogers Company in Waterford, New York, about one hundred kilometers from where Richards grew up, could serve the needs of the town (Meeting Minutes March 4, 1833). On February 27, the first meeting of the ‘Brockville Volunteer Fire Company’, formally styled as such, was held at David Mair’s Inn. The appearance of the newly minted company was of importance and no time was wasted in decorating the new troop in a colourful uniform. A red coat with blue cuffs and collars, light blue pantaloons with red stripes, blue belts and a leather cap with a canvas flap and leather peak were to be the elements forming the fire brigade’s standardized uniform. It must have been a sight! With a fire engine on its way, an engine house in the works and with the prospect of forming quite a large (well dressed) fire brigade, the next set of processes represented a move to bureaucratize the board’s first department.

Today, bureaucratic processes can be considered to occur within ‘back offices’, in the main out of public purview and guided by internal steering tools. In the case of Brockville’s board of police, the opposite occurred. The details of how the fire company would function, as well as the names of the volunteers, were published in local newspapers and left for public exposition (*Brockville Recorder* April 26, 1833). Through these channels we learn that Alexander Grant and a number of other persons serving under him in proto-managerial roles, resigned. Their reason was presented as straightforward and reveals the link between the board of police and the volunteer fire company. Grant spoke on behalf of himself and eleven others, stating that, “they could not serve under the present Board of Police”, that sectarian politics were the cause of the

severance (*Brockville Recorder* April 26, 1833). Their resignation made no mention of specific names, but one that jumps immediately out is that of John Murphy. Grant and Murphy, who was the elected representative for the West Ward at that time, were of different political standings, a tension that had turned violent during the 1832 cholera outbreak and defined their relationship at least until 1836. Grant also supported Daniel Jones and was probably not very fond that Jonas Jones was attempting to earn the privilege of organizing the fire brigade.

Again through the columns of the weeklies, we learn that at an April 4, 1833 meeting William Hervey was appointed captain (*Police Ordinance* April 6, 1833), and was to ensure that the direct management of the brigade would continue to be secured through a hierarchical structure: a captain followed by a junior captain, a senior lieutenant and a junior lieutenant. A secretary and a treasurer were appointed to account for finances and to ensure compliance with the brigade's regulations. An expansive set of by-laws attempted to regulate the behaviour of the brigade's members: all members were to arrive at the scene of a fire when the alarms were sounded; no member was to use insulting language during a meeting; all members were required to attend monthly sessions "for the purpose of training and exercise"; every member had to procure, by his own means, a uniform that was compliant with the established colours; all members had to follow the town's general regulations; while each member was free to leave the brigade at any time, an exit letter was required to grant official leave, without authorization a penalty was enforced. Fines or dismissals were to be incurred for any breach of regulations. Fifty-three men constituted an arm of the board of police under the

heading of the volunteer fire company, an additional regulatory regime that would be in constant contact the town's inhabitants. When combined with the elected and appointed members of the board of police, 87 individuals comprised the Brockville municipal government in 1833.

With this bureaucratic structure in place, the board could continue to move ahead with its plans. Through a procurement plan not entirely dissimilar to ones currently in use by governments today, the board opted to tender the construction of the fire engine house. The board requested that plans and building specifications be received at the police station before April 15, 1833 at ten o'clock (Police Ordinance April 26, 1833). Francis Hackett won the tender and was initially granted £22 to complete the entire work, the estimated amount for a good quality shed (Meeting Minutes, April 27, 1833). Tendering and budgeting being imprecise administrative exercises, further expenses were incurred. The plans for the shed were drawn up twice more; Hackett required more money for roof work; freight charges appeared from the New York engine company; the town's jailer, Christopher Leggo, had to repair the engine so that it could be put to use. The fire engine project thus ran over budget and was still being implemented by the spring of 1835 (Meeting Minutes, June 17, 1833; July 20, 1833; October 19, 1833; March 15, 1834; July 23, 1834; August 4, 1834; August 18, 1834). In early February, the board sought the advice and help of the provincial government, sending a petition in regards to the formation of fire companies in the town (Meeting Minutes February 10, 1835). In May of that year, the board paid to have twenty-five water buckets made, a contingency plan of sorts (Meeting Minutes May 8, 1835).

The longing for “efficient means” would continually run parallel with the desire to display prestige through arrangements such as the fire brigade. The prestige function of an established fire brigade could be deployed in a competitive game between towns. The symbolic capital that a fire company draped in elaborate uniforms, a modern fire engine imported from New York or an elaborately designed engine house afforded, was appealing not only to members of the board of police, but also to those wishing to live in an town replete with ‘urban’ ways of life. The symbolic function served as a means to highlight ‘advancement’ and further competition between Brockville and other towns in the figuration created by expanding urban locales. The goal was to promote the town as a well-regulated milieu, vying for capital and people. Developing a complex bureaucracy was a second way that this was attempted and it was deployed within the project to organize a fire brigade. The first step returns us full circle, back to the very beginning: the choice to incorporate the town and to craft the machinery of local government.

5 Conclusion

This thesis set out to trace the coordination, configuration and operation of Brockville's incorporated board of police. As an incorporated entity, the board of police represented an administrative apparatus. Commentators of Upper Canadian politics and municipal politics specifically have focused, in the main, on this administrative function. Such an approach misses how early-incorporated towns sought to govern through a variety of mechanisms. I have shown that the governmental project underpinning the board of police involved four 'layers', essential to understanding what the board of police was and how it operated.

First, the practice of petitioning in the 1830's coalesced with the juridical and legal device of incorporation. This aspect occurred through a proposal process that placed individuals in relation to one another, forming the preconditions to incorporation. This involved the coming together of divergent views within a political public sphere. This sphere was not, contra Habermas (1991; 1992), characterized by consensus or rational political thought/debate. The formation of agents within the political public sphere that I documented is better conceptualized as a 'petitioning public'. This public was constituted from a multiplicity of divergent oppositional publics. I argued that the petitioning public that I identified as being fundamental to the process of coordinating the incorporated board of police deployed stratagems to attain certain ends that included personal interest, prestige and advancement.

Second, the act of incorporating the town cast associations, those multiple links between agents and arrangements, along collectivist lines. The collectivizing discourse found within nineteenth century understandings of incorporation had the effect of

depicting ‘the social’ as constitutive of collective energies. The notion of ‘the individual’ was blurred by the prospect of advancing something called ‘the collective good’ (Fecteau, 1992). Alone, I argued, this process could not accomplish much; incorporation had to be coupled with something else to have effect. In the case of Brockville, incorporation became synonymous with police, an approach to organizing and regulating life understood as “the ensemble of mechanisms serving to ensure order, the properly channelled growth of wealth and the conditions of preservation of health in general” (Foucault, 1980: 170). If we focus solely on the police power of local government we miss the crucial implications that incorporation carried and, likewise, if we focus solely on the incorporated aspect we miss what organizing a police meant in the 1830’s. This focus allowed me to detail the ways in which the incorporated board of police was formed, tracing its developments through various levels of the Upper Canadian provincial government as well as the actual practices of incorporating municipal rule.

Third, while focusing on practices, I explored the corporation’s governmental and regulatory projects. I argued that the traditions, manners, habits and etiquette which were deployed within a newly created political space were rendered visible and governable through the board’s regulatory and inspectorate endeavours. Targeting governable actions, the corporation crafted sets of ordinances and regulations. These, I argued, cannot be understood as solely representing a repressive, social control undertaking. The board’s regulatory scheme cannot be understood as operating in contradistinction to agents’ agency (resistance). The agency/institution framework limits us in seeing the multiplicity of ways in which agents and institutions inform each other. By denying an

agent as an essence, I traced the ways in which the board's governmental projects were deployed with varying success. Associations and public space were two important targets of the board's regulatory framework that I reviewed, highlighting how manners and etiquette were structured. My argument is that by tracing how manners and etiquette function within governmental projects we are able to conceptualize power relations from a different vantage point. I truncate the repressive hypothesis for a view that sees regulation as always entailing negation and production: two defining characteristics of incorporation.

Finally, by focusing on the productive potential that incorporation carried, I documented how the force of change spurred emotional drives for advancement and more change. I linked the productive capability of incorporation to competition between towns, arguing that the prestige value of development and the idea of a 'well regulated locale' was presented as a mechanism to attract people and capital to the town, aspiring for material advancement. I presented a vignette on the coordination of Brockville's fire brigade to illustrate the dynamics that were involved in the process of extending the board of police. I argued that we must not separate-out the fire brigade from the corporation's governmental project: the fire brigade was an aspect of how the board governed.

A public that was envisioned to have been transformed through the device of incorporation was recast as a 'collective' within 'the social'. This newly imagined and imaginable public acted within a newly created political space to coordinate a governmental apparatus that had the propriety of agents and something called 'the public

good' as targets. This process created the conditions necessary to foster an image of advancement and progress that spurred in the minds of those so interested the will for more progress. Crafting the machinery of municipal rule involved orchestrating agents and arrangements in ways aimed at producing desired ends. The project, however, was never quite complete, always contingent and prone to failure. Readjustments were constantly required and new agents embarked on redefining what the objectives and targets were. Municipal government was, and is, always incomplete, requiring participation within a political space for its very survival. If this thesis accomplished one goal, it was to enliven the debate concerning municipal government: offering a course to trace its past to understand better its present condition. As I have shown, participating in politics and the political within local government in the 1830's involved much more than yearly electoral voting; coordinating the Brockville board of police was not the product of a rational consensual drive to attain electoral privileges above all else.

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Appendix A – 1830 Police Petition

Petition drafted at Peter Wheeler's Hotel in Brockville, September 4, 1830. Reproduced from *Brockville Recorder* September 7, 1830.

THE PETITION

To the Commons, Houses of Assembly of Upper Canada, in Provincial Parliament assembled:

The Petition of the subscribers, inhabitants of the Town of Brockville, in the District of Johnstown,

Respectfully Sheweth,

That your Petitioners are desirous to have Police Regulations established in the Town of Brockville, as from the increased number of its inhabitants, some further provision, than at present exists, is necessary for its internal government and regulation. Your Petitioners are of the opinion that the establishment of a Market and Police, in the said Town, would essentially promote its improvement, and advance its growth and prosperity- and, besides, contribute materially to the convenience and security of the inhabitants and others resorting thereto. Your Petitioners are made to feel more deeply sensible of the importance and necessity of some immediate Legislative provision being made for the internal government of their Town, from the frequent occurrence of circumstances, attended with inconvenience and danger, and which the general laws of the Province are not designed to prevent or punish.

Your Petitioners further beg leave to represent, that an Elective Police would best suit their wishes, as likely to prove most efficient in operation, and as best calculated to ensure a ready and cheerful obedience, on the part of the inhabitants, to such rules and regulations, as may from time to time be made for their government.

Your Petitioners, therefore, respectfully pray, that your Honourable House, will pass a law to establish a Market and an Elective Police in their said Town, or make such other provision for the internal government of the same, as your Honourable House may deem meet and proper.

And your Petitioners, as in duty bound, will ever pray.

Brockville, 4th September, 1830.

Appendix B – Act of Incorporation

An Act to Establish a Police in the Town of Brockville, in the District of Johnstown,
reproduced from Upper Canada, 1832: 71-79.

ELEVENTH PARLIAMENT—CHAP. XVII. 2nd YEAR WILLIAM IV. A. D. 1832.

71

CHAP. XVII.

AN ACT to establish a Police in the Town of Brockville, in the District of Johnstown.

[Passed 28th January, 1832.]

WHEREAS from the great increase of the Population of the Town of Brockville, in the District of Johnstown, it is necessary to make further provision than by Law exists for the internal regulation thereof.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make farther provision for the Government of the said Province," and by the authority of the same, That there shall be in the said Town a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be and is hereby declared to be a body Corporate and Politic in fact and in law by the name of the President and Board of Police of Brockville, and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all courts and in all actions, causes and complaints whatsoever, and may have a Common Seal and may alter the same at pleasure, and shall be in law capable of purchasing, holding, and conveying any Estate real or personal for the uses of the said Town.

Preamble.

The President and Board of Police of Brockville incorporated.

Common Seal.

II. *And be it further enacted by the authority aforesaid,* That for the purpose of electing the Members of the said Corporation, the said Town shall be divided into two Wards, to be called the East Ward and West Ward, that part of the said Town lying East of Saint Andrews' Street, on the South side of the King's Highway or Main Street, and also that part lying East of a line commencing at the South-westerly angle of the Court House ground on the North side of the King's Highway, and from thence following the Westerly bounds and limits of the said ground to the North-west angle thereof, thence running upon a line at right angles with the King's Highway or Main Street, until it intersects the rear or Northerly limits of the said Town, together with the small Island in the Harbour in front and adjacent to the said Town shall comprise the East Ward; and that the remainder of the said Town shall comprise the West Ward.

East and West Ward established.

the said Town, and that at such meeting a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as the Act provides with respect to the Members to be elected in each of the said Wards respectively, and in case they cannot agree in the election or appointment of such fifth Member, they shall issue a precept to the Sheriff of the District after the first election, and to any one of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town; giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the electors of the said Town generally without regard to the said division into Wards as aforesaid, at which election the said Sheriff shall preside after the first election of Members by each of the said Wards, and one of the said Bailiffs so to be appointed as aforesaid, to whom the said Precept shall be directed after every subsequent election of Members by each of the said Wards, and shall declare the Member elected who shall have the greatest number of votes of the persons qualified to vote in the said Wards, and shall give notice thereof to the person so elected within six days after such election.

Mode of Electing a fifth member of the Board.

VII. *And be it further enacted by the authority aforesaid,* That the said five Members elected as aforesaid shall, within ten days after the appointment or election of the fifth Member of the said Corporation as aforesaid, appoint one of their number President, and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in April in the ensuing year, and until the election and formation of the new Board.

One of the five members chosen to be President.

VIII. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed as aforesaid, after notice thereof, shall neglect or refuse for ten days to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed as aforesaid is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of ten Pounds, to be recovered with Costs by information before any Justice of the Peace, who is authorised to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation.

Penalty for neglecting to take the Oath of Office.

IX. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the said

How vacancies in the Board to be supplied.

K

Each Ward to elect two members of the Corporation.

Qualification of Electors.

III. *And be it further enacted by the authority aforesaid,* That each of the said Wards shall elect annually two persons to be Members of the said Corporation from among the inhabitants of the said Town, who being subjects of His Majesty shall be freeholders therein, or who being House-holders shall each within twelve months before every election have paid two pounds or upwards for one years rent of the dwelling house in which they shall have resided, and that the persons entitled to vote at the election of either of the said Wards, shall be the male inhabitant householders resident within such ward respectively, being subjects of His Majesty, rated on the Assessment Roll of the said Town and possessed of a freehold estate within such Ward, or tenants who having been so assessed shall have paid three months rent for the premises within such Ward in which they shall reside at the time of such election, at the rate of three pounds per annum, which residence and payment of rent shall have been for three months immediately preceding such election.

Time and place of holding first Election.

IV. *And be it further enacted by the authority aforesaid,* That the first election of members of the said Corporation shall be holden on the first Monday in the month of April next, at some place within each Ward respectively, to be appointed by the Sheriff of the District of Johnstown, who shall give public notice thereof at least six days before the said election, and that the Sheriff shall preside at the first election for one of the said Wards, and his Deputy or some other person authorised by the said Sheriff shall preside at the first election to be holden in the other of the said Wards, and shall declare the two persons having the greatest number of votes to be duly elected as members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

Time, place and manner of holding subsequent Elections.

V. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen, shall serve until the first Monday in April in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned, and that on the first Monday in April in every year an election shall be holden in each Ward for two Members of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place for holding the said election, and shall give notice thereof and proceed in all respects as the Sheriff is hereby required to do at and after the first election to be holden as aforesaid.

Public notice to be given after each Election of the time and place of the first meeting of the persons chosen.

VI. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice immediately upon declaring the result of the election of the time and place at which the Members of the Corporation so chosen are first to meet, which meeting shall be within ten days after the election and at some place within

Corporation by neglect or refusal to take the oath of office hereinafter contained within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the Corporation shall issue a Precept to the Bailiff of the Ward for which the Member or Members, (whose office or offices shall have become vacant) was or were chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election or elections, and the Member or Members so elected shall hold their offices until the next annual election, or until others are chosen in their places; and that if the vacancy shall occur in the office of the Member appointed by the four Members elected as aforesaid, or elected by the Town generally, such vacancy shall be filled by the appointment of the then Members of the said Corporation or a majority of them, and in case they cannot agree, then in the same manner as provided for the election of the fifth Member by the electors of the Town generally; and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation by one of the Members neglecting or refusing to take the oath of office as aforesaid, or in case it shall happen that the Member appointed by the Members elected in the said Wards respectively after this first election, or the Member elected by the Town generally after the first election, shall neglect or refuse to take the oath of office as aforesaid, then the Precept shall issue to the Sheriff of the District as is hereinbefore provided.

X. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election or appointment of Members in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time to establish such ordinances, by-laws and regulations, as they may think reasonable in the said Town, to regulate and License Victualling-houses and Ordinaries, where fruit, victuals and liquors, not distilled, shall be sold, to be eaten or drunk in such houses or groceries; to regulate Wharves and Quays; to regulate the weighing of Hay, measuring of Wood; to regulate Carts and Carmen; to regulate Slaughter-houses; to prevent the firing of any Guns, Muskets, Pistols, Squibs and fire-balls, or injuring or destroying Trees planted or growing for shade or ornament in the said Town; to prevent the pulling down or defacing of Sign-boards, or inscribing or

drawing any indecent words, figures or pictures, on any building, wall, fence or other public place; and generally to prevent vice and preserve good order in the said Town; to enter into and examine all dwelling-houses, Ware-houses, Shops, Yards and out-houses, to ascertain whether any such places are in a dangerous state with respect to fires, and to direct them to be put in a safe and secure condition; to appoint Fire-Wardens and Fire Engineers; to appoint and remove Fire Men; to make such rules and by-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Corporation; to compel any person to aid in the extinguishment of any fire; to require the Inhabitants to provide and keep fire-buckets and scuttels, and ladders to their houses; to stop, or authorise any other person to stop, any one riding or driving immoderately in any Street, or riding or driving on any Side-walk, or to inflict fines for any such offence; to regulate the Assize of Bread; to prevent and abate and remove any nuisances; to restrain and prevent any horses, cattle or swine, from running at large; to prevent and remove encroachments in any Streets, and to make such rules and regulations for the improvement, good order and government of the said Town as the said Corporation may deem expedient, not repugnant to the Laws of this Province, except in so far as the same may be virtually repealed by this Act, and to enforce the due observance thereof by inflicting penalties on any person for the violation of any By-Law or Ordinance of the said Corporation, not exceeding One Pound Ten Shillings.

Penalties may be inflicted for the non observance of the By-Laws.

XII. *And be it further enacted by the authority aforesaid, That for the purpose of raising a fund to provide for the purchasing any Real Estate for the use of the said Town, to procure Fire-Engines, Aqueducts, and a supply of pure and wholesome water; for lighting, paving, flagging and repairing the Streets, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an Assessment annually upon the persons rated or liable to be rated upon any Assessments for Property in the said Town, not exceeding Two Pence on the Pound, exclusive of the sum such persons may be rated for in and upon any other Assessments of this Province; and it shall be the duty of the Clerk of the Peace for the said District to select from the General Assessment of the Township of Elizabethtown, a List or Assessment of the Rateable Property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after any General Election.*

Corporation may levy Assessments not exceeding two pence in the pound annually.

Clerk of the Peace to prepare Assessment Roll for the Town of Brockville.

Persons refusing to pay Assessments to the Collector to be appointed by the Corporation, subject to distress for levying the same.

XIII. *And be it further enacted by the authority aforesaid,* That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall, and he is hereby required, to levy the same by Distress and Sale of the Goods and Chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same, upon information made on oath before him of the neglect or refusal to pay the said Assessment, and to render the overplus, if any there shall be over and above the said Rate, to the owner thereof, after deducting the legal charges of the distress and sale.

Overplus of distress to be rendered to the owner.

Corporation may appoint and remove Officers.

XIV. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint, and at their discretion remove and reappoint a Surveyor of Streets for the said Town; a Clerk and Assessor, or Assessors; a Bailiff, or Bailiffs; a Collector, or Collectors; a Treasurer, and as many and such other Officers as they may require, and assign the duty or services to be performed by each, with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any Officer or Servant as they shall think proper.

Powers of Corporation with regard to naming and laying out Streets.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation to alter the names of the Streets of the said Town, and to direct the Street Surveyor to lay out, mark and open any Street of such width as they may deem proper in any part of the said Town, and cause any Street already laid out to be opened, altered or extended, whenever they shall deem the public good to require it: in doing which it shall and may be lawful for the said Corporation to remove and pull down any Dwelling-House, Out-House, Shop, Store, or any other Building, Fence, Wall or Erection whatsoever, and the owners of any Lands over which such Street shall be laid out or altered, shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof, the claim for such compensation being made to the said Corporation within thirty days after public notice of the new Street having been laid out or the alteration made, in one or more of the Newspapers of the said Town, and upon the door of the Court House of the said District, and also by a notice duly served on the person whose Property is affected; and in case no voluntary agreement shall be made as to the amount of compensation to be paid for damages as aforesaid, the said Corporation, upon request in writing to

the Clerk by the person so claiming damages, or his Agent legally authorised, shall appoint an Arbitrator, who, at a day to be named in such notice, shall attend upon the premises in question, to meet the Arbitrator to be appointed by such claimant, and such two Arbitrators shall, before proceeding to consider the claim, appoint a third Arbitrator, which three Arbitrators, not being inhabitants of the said Town or paying any Assessment levied therein, being first sworn by some member of the said Corporation, who is hereby authorised to administer the said oath, to give a just and true award upon the claim submitted to them, shall, upon the statement of the parties and view of the premises, and upon the testimony of Witnesses to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said Arbitrators is hereby authorised to administer) make the award in writing, under their hands, or the hands of any two of them, of the amount of damages to be paid to such claimant.

Damages how ascertained and compensated.

Awards to be made in writing.

XVI. *And be it further enacted by the authority aforesaid,* That if either the said Corporation or the party claiming damages as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing within ten days after such award, and damages upon such claim shall be thereafter assessed in manner hereinafter mentioned, but at the sole expense of the party refusing to abide by such award.

Either party declining to abide by award must notify the other of his refusal to abide thereby.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases where awards shall be made to which either party shall refuse to conform as aforesaid, it shall and may be lawful for the party desisting from such award to serve on the other party a notice in writing, appointing a day not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation according to this Act assessed in the manner hereinafter provided, and that the party giving such notice shall also specify some day therein which shall be at least ten days before the day appointed for such assessment, and not less than two days from the time of serving such notice, at which he will attend at the Office of the Sheriff of the District of Johnstown, for the purpose of striking a Jury to assess the damages so claimed as aforesaid.

In cases of refusal to abide by award, damages to be assessed by a Jury.

XVIII. *And be it further enacted by the authority aforesaid,* That on the day so appointed as last aforesaid, the Corporation, by some one of their members, and the other party, or their Attornies or Agents, shall attend at the Sheriff's Office, and that the Sheriff shall at or about the hour of one o'clock in the afternoon, proceed in the presence of the parties, or such of them, their Attorney or Agent, as may be present, to

Mode of striking Jury to assess damages.

Seven Jurors for
assessing damages
to be selected.

select the names of twenty-one persons from among those qualified to serve on Special Juries, and in the manner directed by Law for selecting Special Juries, and that the names of such twenty-one persons so chosen being fairly written out by such Sheriff, each party, his Attorney or Agent attending for that purpose, shall alternately strike off one, that party beginning at whose instance such Jury is struck, until the whole number shall be reduced to Seven, and that such Seven persons shall be a Jury for Assessing the damages to be paid to such claimant as aforesaid; *Provided always*, that in case either party shall omit to attend personally or by Agent at the time appointed, the Sheriff or his Deputy shall strike in behalf of such person not attending.

Jurors and Sheriff
to attend and view
Premises, and the
first five Jurors called
to be the Jury to
determine the matter.

Oath of Jurors.

XIX. *And be it further enacted by the authority aforesaid*, That the Seven persons so struck to serve as aforesaid, shall be Summoned by the Sheriff to attend upon the premises in respect to which the damages are claimed as aforesaid, giving not less than two days notice of such attendance, and that the Sheriff or his Deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer upon being called in the order upon which they shall stand upon the original list the oath following, that is to say:—"I, A. B. do swear that I will well and truly assess the damages upon the claim of C. D. according to the Act in that behalf," and thereupon the said Jury having viewed the Premises, and received the testimony upon oath or affirmation of such Witnesses as shall be brought before them, (which oath or affirmation the said Sheriff or his Deputy is hereby authorised to administer,) shall deliver their verdict by the opinion of the majority of such Jury, of the amount of damages to be paid to such Claimant, which verdict shall be final and conclusive between the parties.

By-Laws to be
published.

XX. *And be it further enacted by the authority aforesaid*, That any Rule or Regulation of the said Corporation, for the infraction of which any penalty is inflicted, before it shall have any effect shall be published in one or more of the Newspapers of the said Town, and that in like manner shall be published in each and every year, before the annual Election, an account of all monies received and in the Treasury, and the amount expended, and for what purpose.

Penalty for infringing
By-Laws to be
recovered by infor-
mation before the
Corporation.

XXI. *And be it further enacted by the authority aforesaid*, That if any person shall transgress the Orders or Regulations made by the said Corporation under the authority of this Act, such person shall for every such offence forfeit the sum which in every such Order, Rule or Regulation shall be specified, with costs, to be recovered by information before the said Corporation, to be levied of the Goods and Chattels of

such offender; and in default of such Goods and Chattels the offender shall be liable to be committed to the Common Gaol of the District for a time not exceeding one Month, in the discretion of the said Corporation before whom such offender shall have been convicted, and that no person shall be deemed an incompetent Witness upon any information under this Act by reason of his being an Inhabitant of the said Town of Brockville: *Provided always*, that the information and complaint for a breach of any orders or regulations of the said Corporation must be made within fifteen days of the time of the offence committed.

Penalties how tried.

Limitation of Prosecutions for Penalties.

XXII. *And be it further enacted by the authority aforesaid*, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner that other monies coming into the said Treasury may be applied for the public uses of the said Town.

Penalties how to be applied.

XXIII. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may in the said Town of Brockville perform all the functions and exercise the authority now by Law given to Justices of the Peace acting within their divisions, with respect to making or amending any Street or Highway or Road within the said Town.

Authority of Corporation with respect to the Streets.

XXIV. *And be it further enacted by the authority aforesaid*, That this Act shall be, and is hereby declared to be, a Public Act, and as such shall be Judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

Public Act.

XXV. *And be it further enacted by the authority aforesaid*, That in case an equality of votes should happen at any Election for the members of the said Corporation in either of the said Wards, it shall and may be lawful for the person presiding at the said Election to give a casting vote, and he shall not be required to be possessed of the qualifications necessary to enable him to vote at the said Elections for the said Wards respectively.

Presiding Officer at Elections to have a casting vote.

XXVI. *And be it further enacted by the authority aforesaid*, That this Act shall not extend or be construed to extend to authorise the said Board of Police for the said Town of Brockville to purchase any Lands for a Market in the said Town, or to fix upon any site for a Market in the said Town.

Corporation not to purchase Lands for a Market.

Appendix C – Brockville Board of Police Composition 1832-1836

The following list has been compiled principally from the board's meeting minutes, the *Brockville Recorder* and the *Brockville Gazette* newspapers and the board's annual financial statements, which were also published in local newspapers. Lists contained in secondary works such as Cole (1914), Fryer (1986), Leavitt (1879), Lockwood (2006), or others are incomplete, inaccurate or both.

A list of members appointed to the board was created following elections in April of each year. This list found its way into the meeting minute book for each year under study. This made for a rather simple retrieval of the initial appointments. However, as was often the case, appointments were refused and a replacement appointment made sometime later during the year, requiring one to peruse the pages of the minute book seeking for a name and a position. Aside from the names of those who occupied various positions within the board, where possible, I have included supplemental information such as the dates of appointment, pay received or reasons given for an individual's dismissal from office. When reasons were offered, they were recorded in the board's meeting minute book. Much like appointments to replace refusals, dismissals occurred throughout the year. Filling in gaps requires attentive perusal of the board's archive. All omissions and errors found in the list below remain solely from my inattention.

1832

President: Daniel Jones

Elected Member for the East Ward: Jonas Jones; Henry Sherwood

Elected Member for the West Ward: Samuel Pennock; John Murphy

Fifth Member: Daniel Jones

Clerk: William M. Hynes (appointed by a majority of the board); Robert H. Fotheringham (appointed May 9, 1832).

Treasurer: George Crawford

Bailiff East Ward: John Reid

Bailiff West Ward: David Fairbairn

Assessor: John Price

Street Surveyor: William M. Hayes (removed March 27, 1832 for 'unsatisfactory conduct')

Collector: David Fairbairn

High Constable: James Kennedy replaced by John Price at some point (not indicated)

Pound-Keeper West: Philip S. Musson (removed April 15, 1833 for 'not respecting an order')

Pound-Keeper East: Richard H. Graves (appointed May 2, 1832); David Mair (appointed December 13, 1832).

Captain of Fire Company and Engineer: Alexander Grant (refused appointment April 11, 1832).

Constables East: William Smith (appointed May 2, 1832); Adiel S. Killborn (appointed June 12, 1832).

Constable West: Willard Curtis (appointed June 12, 1832).

Special Constable: Andrew Donaldson (appointed June 18, 1832).

Cholera Board: Paul Glasford; George Crawford; Fordice L. Lothrop; Alexander Grant (all appointed June 18, 1832).

Cholera Special Constables: A.S. Kilborn; John Lewis; Henry Dyer; John Williams; Joseph Goss; Gibson Gilmore; Francois Shamois; John Farrell; Andrew Donaldson; Philip S. Musson; Richard Carl (all appointed June 18, 1832).

1833

President: Jonas Jones

Elected Member for the East Ward: Jonas Jones; Henry Sherwood

Elected Member for the West Ward: Samuel Pennock; John Murphy

Fifth Member: Alexander Morris

Clerk: Archibald McLean (appointed April 6, 1833, resigned March 25, 1834); William Johnson (appointed March 25, 1834; on May 3, 1834 the board paid Johnson for clerical duties performed. He was also paid for entering the board's proceedings from May 11, 1833 to March 25, 1834, "a duty which ought to have been performed by Archibald McLean").

Treasurer: Paul Glasford

High Constable, Assessor & Collector: William Pritchard (paid £45 for all three duties, March 25, 1834).

Bailiff East: John Reid (gave in his resignation after declaring Daniel Jones elected fifth member on April 19, 1834).

Bailiff West: David Fairbairn

Street Surveyor: Enoch M. Chase (Philip Clement served as Street Surveyor for some portion of the year, Clement reported to the board of his street surveyor activities on April 25, 1834).

Collector: Joseph Peters Buell

Pound-Keeper: David Mair

Captain Fire Company: William Hervey

Special Constable: James Kincaid

Special Constables Appointed on April 3, 1833: Henry Dyer; William Hervey; James Kincaid; John Kincaid; William Pritchard; William Dun; James Dunlop; Sylvester Skinner; Robert McKay; James Buchen; James Caufield; Patrick Murray; William Blackburn; Luther Houghton; Abel Cole; William B. Thompson; Francis Thompson; James Dire; Alexander Ferguson; Charles Dyer; Joseph Wolfe; Samuel Kerr; John Moles; William Curtis; Thomas M. Taylor; Martin Dun; Charles Kilborn; Alexander Price; Mathew Ryan; Abel N. Fulford; William Slater; Mathew K. Denaut.

Special Constables appointed on April 6, 1833 for 'keeping good order and peace in Town': John Reid; David Fairbairn; William Hervey; Henry Dyer; James Kincaid; Sylvester Skinner; Charles Kilborn; Luther Houghton; Francois Shamois; Charles Dyer.

1834

President: Daniel Jones

Elected Member for the East Ward: Henry Jones; George Malloch

Elected Member for the West Ward: John Murphy; James Hall

Fifth Member: Daniel Jones

Clerk: Alfred G. Hall

Treasurer: Samuel Pennock

Street Surveyor: Stephen Richards

High Constable, Collector & Assessor: William Pritchard

Constables West: Thomas Godkin; Henry Adamson

Bailiff East: James Jessup (appointed but declined); Joseph Wenham (appointed May 19, 1834); David B.O. Ford (appointed June 20, 1834); George Sherwood (March 27, 1835).

Bailiff West: Andrew N. Buell (appointed but declined); Edward Harrison (appointed May 19, 1834).

Pound-Keeper: David Mair (appointed April 22, 1834).

Captain of Fire Company and Engineer: Alexander Grant (appointed May 26, 1834; his appointment was rescinded on August 4, 1834); David Fairbairn was appointed in Grant's place (August 4, 1834).

1835

President: Daniel Jones

Councillors East: Ormond Jones; Joseph K. Hartwell

Councillors West: David Mair; James Hall

Fifth Member: Daniel Jones

Clerk: Richard F. Steele (dismissed from office 'for neglect of duty'); Daniel S.M. Quinn (?)

Street Surveyor: Alexander Grant (resigned May 5 1835); Grant was replaced by Stephen Richards (?).

Treasurer: Edward Harrison

High Constable: John Henry Smith

Collector & Assessor: John Price

Pound-Keeper West: John C. Potter

Pound-Keeper East: Arthur McLean

Bailiff West: William Woods (removed May 4 1835, replaced by Robert Edmondson)

Bailiff East: Joseph Wenham (removed May 4, 1835); George Sherwood (appointed on May 4, 1835 then resigned on May 8, 1835); James Hubbell (appointed on May 8, 1835 then moved to another town and resigned on March 25, 1835); James Jessup (appointed March 25, 1835, accepted, then resigned on March 26, 1836); Thomas D. Campbell (appointed March 26, 1836).

Constable West: Thomas Godkin; Alexander Brown; John Price.

Constable East: George O'Brian (replaced on May 4 1835 by James Manson, who resigned on May 8 1835, replaced by James Finlay; Martin Boon (resigned on May 8 1835, replaced by Eals Gilpin).

Captain Fire Company: Alexander Grant (who occupied the position for a full year).

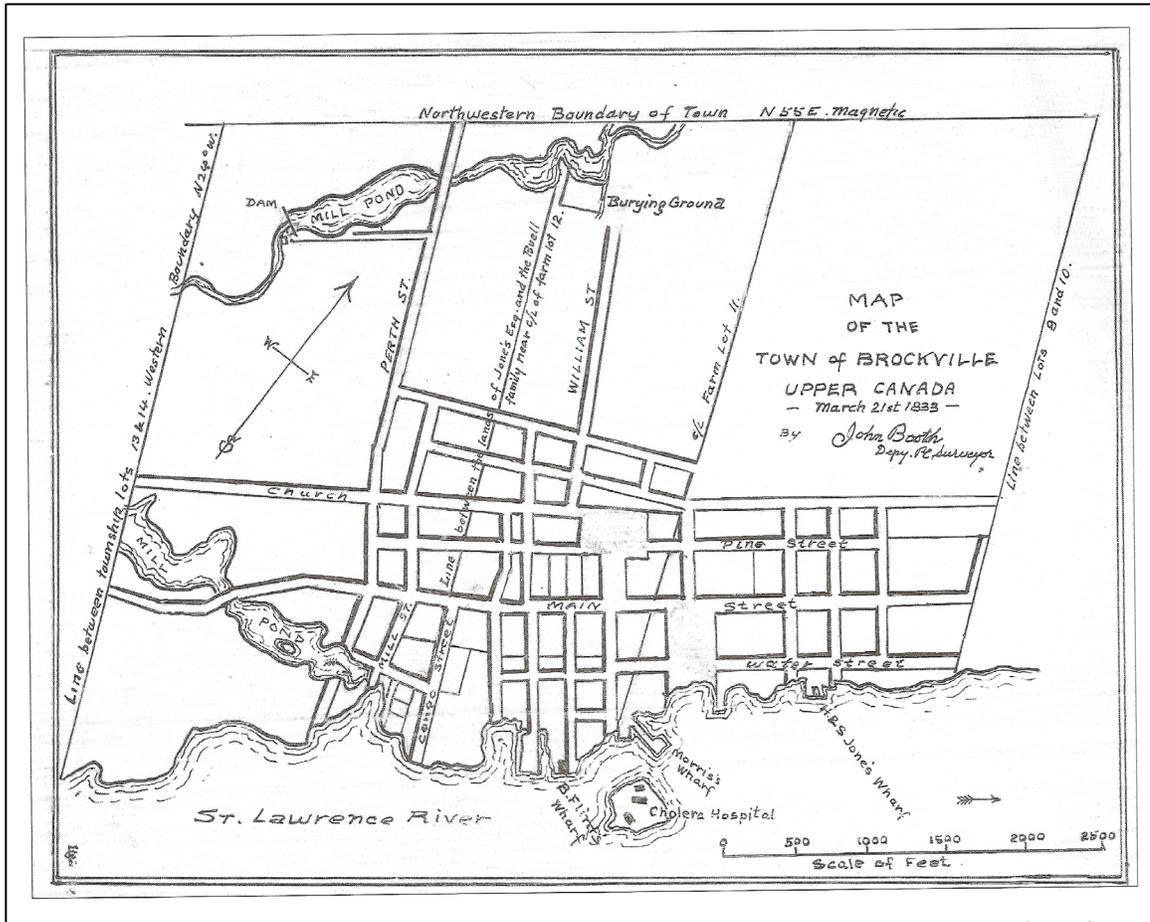


Figure 1 –

Map of Brockville surveyed by John Booth 1833, reproduced by F.C Curry. Brockville Museum, 974.2.

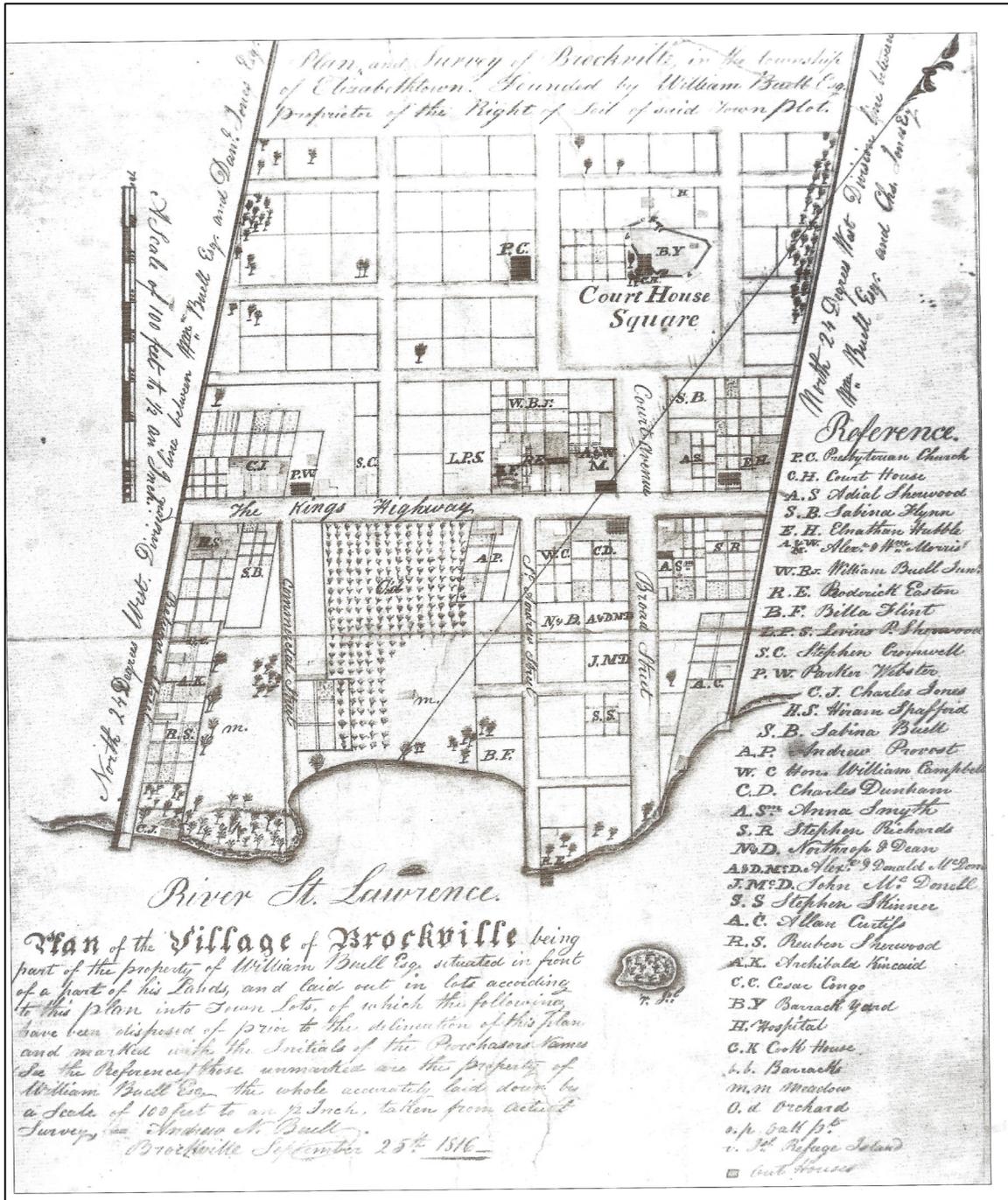


Figure 2 – 1816 map of William Buell’s land holdings in Brockville. LAC, NMC 70948.

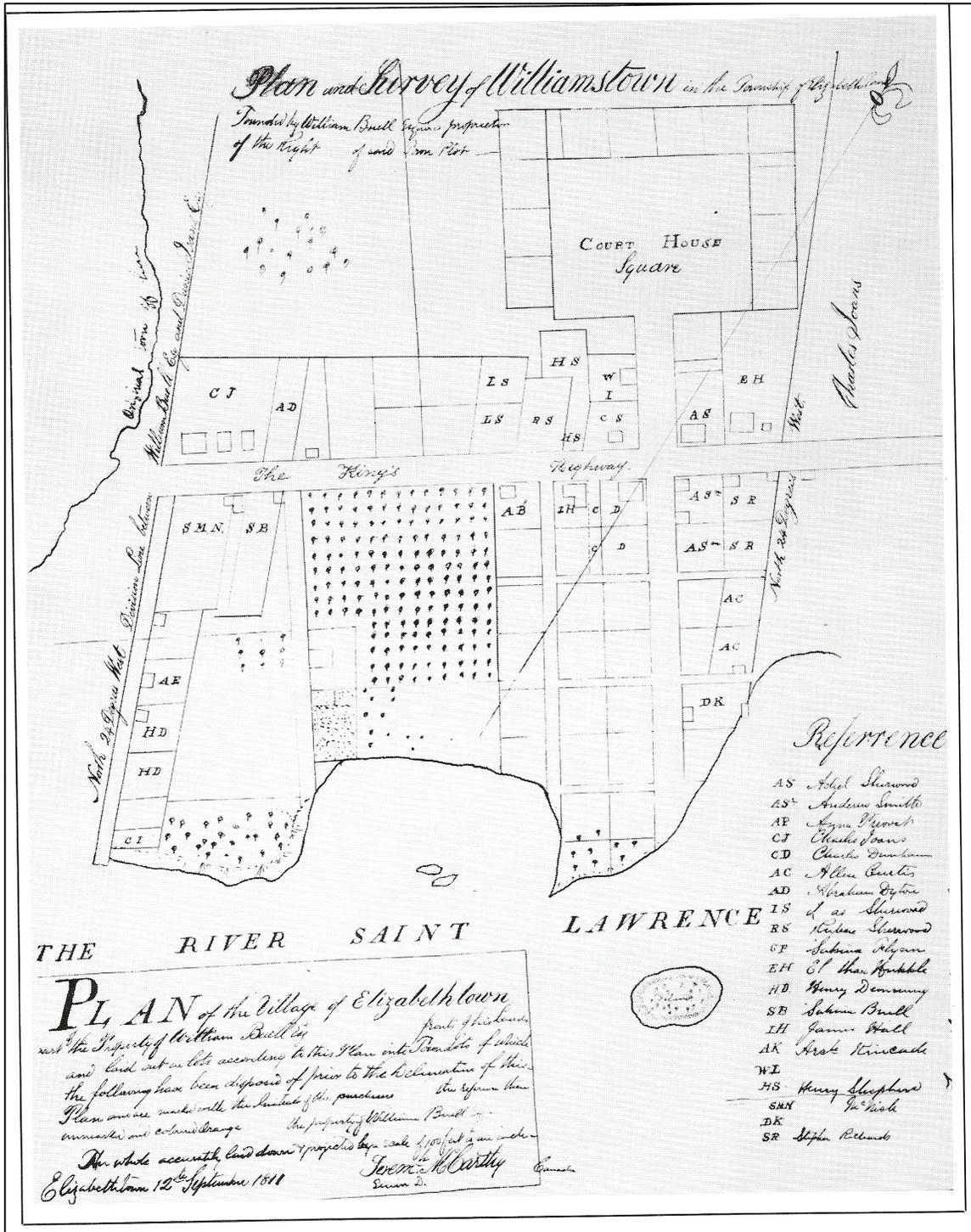


Figure 3 –
 1811 “Plan and Survey of Williamstown”. Lockwood, 2006: 67.

SALLY GRANT

"Sally Grant" is the familiar name of the Statue of Justice which was conceived in 1841 by John G. Howard, the architect of this Court House, and carved by William Holmes, a Brockville carpenter and builder. The eleven foot high figure, made of cedar, stood on the roof of this Court House from 1845 to 1956, at which time it was taken down for safety reasons. The statue was not immediately repaired nor re-erected on the building but remained in storage until 1962 when it was taken to Westport, Ontario and donated to the Rideau District Museum. In 1978, at the request of the Board of the Rideau District Museum, "Sally Grant" underwent extensive repair and rebuilding at the Canadian Conservation Institute in Ottawa. The refurbished carving was then returned to Westport where it is on permanent display at the museum.

During planning activities in 1981 for Brockville's Sesquicentennial, it was decided, with the co-operation of the Council of the United Counties of Leeds & Grenville, to have a replica of the original "Sally Grant" recreated for replacing on the Court House roof. This new statue or "Sally Grant II" was carved to the same dimensions as the original by sculptor Bob Kerr of Smiths Falls and set in place on the Court House roof as part of Brockville's Sesquicentennial celebrations. Dedicated by The Right Honorable Bora Laskin, P.C. Chief Justice of Canada on this the 26th day of June, 1982. Plaque erected by the Brockville Sesquicentennial Committee.

"Sally Grant" est le nom familier de la statue de justice que John G. Howard, architecte du Palais de Justice, conçut en 1841. Elle fut sculptée par William Holmes, charpentier et entrepreneur de Brockville. De onze pieds et en cèdre, elle s'éleva au faite de ce Palais de Justice de 1845 à 1956, quand elle fut descendue pour des raisons de sécurité. Elle ne fut pas réparée mais placée dans un entrepôt jusqu'en 1962. C'est alors qu'elle fut présentée au musée du district de Rideau à Westport. En 1978, à la demande du conseil d'administration du musée du district de Rideau, elle fut envoyée à l'institut canadien de conservation à Ottawa où elle fut complètement restaurée. Ainsi remise à neuf, elle fut rendue au musée de Westport où elle est exposée en permanence.

En 1981 le comité du cent cinquantième anniversaire et le conseil des comités unis de Leeds et Grenville décidèrent de faire sculpter une réplique de l'original "Sally Grant". Cette nouvelle statue ou "Sally Grant II" de même dimension que l'original, fut sculptée par Bob Kerr, sculpteur de Smiths Falls et fut placée au faite du Palais de Justice. Elle représente un des projets de commémoration du cent cinquantième anniversaire de Brockville.

Dédiée par le très honorable Bora Laskin, C.P.
Juge en chef du Canada, le 26 juin 1982
Plaque érigée par le comité du cent cinquantième anniversaire.



Sally Grant just before she was removed from the roof in 1956.

Figure 4

Photograph of the 'Sally Grant' memorial plaque at Brockville, Ontario. Present-day Brockville boasts an impressive collection of memorial plaques, most created during the mid 2000's. Some markers were funded by organisations such as the Ontario Archaeological and Historic Sites Board (Brockville Tunnel plaque), others by the Ontario Heritage Foundation in collaboration with the Ministry of Citizenship and Culture (Ogle R. Gowan plaque) or the Ministry of Culture and Recreation (James Morris plaque). A spurt of plaques appears to have been crafted for 1812 bicentennial commemorative events, including a Gen. Isaac Brock 'historic area' which was researched by Douglas M. Grant and financed by the municipality. The Canadian federal government gave the municipal council \$30,000 for "projects that contribute to our collective identity and define who we are as Canadians" (<http://www.pch.gc.ca/eng/1358966638661>). Presumably, 'the Canadian identity' that defines us passes through the now fetishized military figure of Gen. Brock. Luckily, Crowder House Inc., historical reconstruction and commemorative event 'expert' was hired to promote and market the 1812 events in and around Brockville. The 1812 commemorations might have been pegged as a temporary 'Canadian identity' program, but the founder of Crowder House Inc. speculates that the exhibitions of military history will continue "because [the] area has had a lot of economic development as a result of 1812", bragging "we've got three visitors' centres and a park that were all created as a result of it" (<http://www.recorder.ca/2013/07/26/wanless-wraps-up-the-war>).